E/1990/23
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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE FOURTH SESSION

(15 January-2 February 1990)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1990

SUPPLEMENT No. 3

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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ABBREVIATIONS

AIDS	Acquired immuno-deficiency syndrome
CDP	Committee on Development Planning
ECOSOC	Economic and Social Council
EEC	European Economic Community
FAO	Food and Agriculture Organization of the United Nations
GNP	Gross national product
HIV	Human immuno-deficiency virus
ICRC	International Committee of the Red Cross
ILO	International Labour Organisation
IMF	International Monetary Fund
NGO	Non-governmental organization
OAS	Organization of American States
ODA	Official development assistance
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
WHO	World Health Organization

EXPLANATORY NOTES

A hyphen between years, e.g. 1989-1994, signifies the full period involved, including the beginning and end years.

An oblique stroke between years, e.g. 1987/88, indicates a scholastic year.

Chapter I

DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

DRAFT DECISION I

Provisional rules of procedure of the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, taking note of the reports of the Committee on Economic, Social and Cultural Rights on its third (E/1989/22) and fourth (E/1990/23) sessions, approves the Committee's provisional rules of procedure as adopted by the Committee at its third session and amended at its fourth session. */

DRAFT DECISION II

Pre-sessional working group of the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, having considered the report of the Committee on Economic, Social and Cultural Rights on its fourth session (E/1990/23), notes the considerable advantages to be obtained from separating in time the meeting of the Committee's pre-sessional working group and the actual session of the Committee and approves the holding of the former at a time one to three months prior to the latter.

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*/ For the text of the amended rule 68 see para. 293 below.

Chapter II

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 2 February 1990, the closing date of the fourth session of the Committee on Economic, Social and Cultural Rights, there were 94 States parties to the International Covenant on Economic, Social and Cultural Rights which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Opening and duration of the session

2. The fourth session of the Committee on Economic, Social and Cultural Rights was held at the United Nations Office at Geneva from 15 January to 2 February 1990.

3. The Committee held 26 meetings. An account of the deliberations of the Committee is contained in the relevant summary records (E/C.12/1990/SR.1-SR.26).

C. Membership and attendance

4. In accordance with its resolution 1985/17, the Economic and Social Council, at its 17th meeting, on 22 May 1986, elected, by secret ballot from a list of persons nominated by States parties to the Covenant, 18 experts as members of the Committee on Economic, Social and Cultural Rights for a term beginning on 1 January 1987. 1/ The regular term of office of the members of the Committee is four years. In accordance with resolution 1985/17, the President of the Council, immediately after the first elections, chose by lot the names of nine members whose term shall expire at the end of two years. Accordingly, on 26 May 1988 the Council elected nine members of the Committee for the term of four years beginning on 1 January 1989 and expiring on 31 December 1992. The Council, upon the resignation of Mr. Edward P. Sviridov and Mr. Adib Daoudy, also elected two members to fill those vacancies for the remainder of their terms of office expiring on 31 December 1990. The list of the members of the Committee, together with an indication of the duration of their term of office, appears in annex II to the present report.

5. All members of the Committee, except Mr. Vassil Mratchkov, attended the fourth session.

6. The following specialized agencies were represented by observers: ILO, UNESCO and WHO.

7. The following non-governmental organization in consultative status with the Economic and Social Council was represented by observers:

Roster: Habitat International Coalition.

D. Pre-sessional working group

8. In response to a request by the Committee, the Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five of its members to be appointed by the Chairman to meet for one week prior to each session. Accordingly, the Chairman of the Committee, in consultation with the members of the Bureau, designated the following Committee members as members of the pre-sessional working group:

Mr. Juan ALVAREZ VITA
Mr. Samba Cor KONATE
Mr. Wladyslaw NENEMAN
Mr. Bruno SIMMA
Ms. Chikako TAYA.

9. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 8 to 12 January 1990. Mr. Bruno Simma was elected its Chairman/Rapporteur.

10. The principal purpose of the working group was to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. A list of such questions was transmitted to the permanent delegations of the relevant States.

11. In addition, the pre-sessional working group gave consideration to the question of how the Committee should deal with supplementary reports containing additional information provided by States parties subsequent to the Committee's consideration of their reports.

12. On each of these issues the working group agreed to forward specific recommendations to the Committee to be considered during the fourth session.

E. Election of officers

13. In accordance with Economic and Social Council resolution 1979/43 of 11 May 1979, the Committee at its 1st meeting, on 15 January 1990, elected the members of its Bureau, as follows:

Chairman:	Mr. Ibrahim Ali BADAWI EL SHEIKH
Vice-Chairmen:	Mr. Juan ALVAREZ VITA
	Mr. Mikis Demetriou SPARSIS
	Mr. Wladyslaw NENEMAN
Rapporteur:	Mr. Philip ALSTON.

F. Agenda

14. At its 1st meeting, on 15 January 1990, the Committee adopted the items listed on the provisional agenda submitted by the Secretary-General (E/C.12/1990/1) as the agenda of its fourth session. The agenda of the fourth session, as adopted, was as follows:

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant, Economic and Social Council resolution 1988 (LX), Council decision 1985/132 and Council resolution 1988/4.

6. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies (Council resolution 1985/17).

8. General discussion on the rights contained in article 11 of the Covenant (E/1989/22, para. 332).

9. Report of the Committee to the Economic and Social Council.

G. Organization of work

15. The Committee considered its organization of work at its 1st to 5th meetings, held on 15 to 17 January 1990, 7th meeting, held on 18 January, 15th meeting, held on 24 January, 20th meeting, held on 29 January and 23rd meeting, held on 30 January 1990. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the fourth session, prepared by the Secretary-General in consultation with the Chairman of the Committee (E/C.12/1990/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14) and third (E/1989/22) sessions;

(c) General Assembly resolutions 44/129, 44/130 and 44/135 of 15 December 1989, relating respectively to the implementation of the International Covenants on Human Rights, indivis.bility and interdependence of economic, social, cultural, civil and political rights, and effective implementation of international instruments;

(d) Resolutions and decisions of the Economic and Social Council relating to the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1989/4).

16. In accordance with Economic and Social Council resolution 1979/43 of 11 May 1979, the Committee at its 1st meeting, on 15 January 1990, considered the draft programme of work of its fourth session prepared by the Secretary-General in consultation with the Chairman, and approved it, as amended, during consideration (see E/C.12/1990/L.1/Rev.1).

Chapter III

H. OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

17. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of the first four sessions it has sought to modify and develop these methods in the light of its experience. It may be expected that these methods will continue to evolve, taking account of the introduction of the new reporting system which requires that a single global report be submitted every five years, of the evolution of the procedure developing within the treaty régime as a whole, and of the feedback which the Committee receives from States parties and the Economic and Social Council.

18. The following overview of the Committee's methods of work is designed to assist the Council in the review which it is scheduled to undertake in 1990 as to "the composition, organization, and administrative arrangements of the Committee" pursuant to Council resolution 1985/17, paragraph (i).

19. The overview is also designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the International Covenant on Economic, Social and Cultural Rights.

1. The examination of State party reports

(a) The work of the pre-sessional working group

20. At its second session the Committee requested the Economic and Social Council to authorize the establishment of a pre-sessional working group to meet prior to each session of the Committee. In paragraph 10 of its resolution 1988/4 of 24 May 1988, the Council authorized the establishment of such a group prior to each session, subject only to the availability of existing resources. The pre-sessional working group met for five days prior to both the third and fourth sessions of the Committee. It was composed of five members of the Committee nominated by the Chairman, taking account of the desirability of a balanced geographical distribution.

21. The principal purpose of the working group was to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. In accordance with the Committee's decision at its second session, the aim was to improve the efficiency of the system and to facilitate the task of States representatives by providing advance notice of the principal issues which might arise in the examination of the reports (E/1988/14, para. 361).

22. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant on Economic, Social and Cultural Rights constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

23. In terms of its own working methods, the working group decided, in the interests of efficiency, to allocate to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose was based in part on the preferred areas of expertise of the member concerned. Each draft was then revised and supplemented on the basis of observations by the other members of the group and the final version of the list adopted by the group as a whole. This procedure was applied equally to both initial and periodic reports.

24. It was agreed by the Committee at its fourth session that every effort should be made to limit the overall number of questions asked and to ensure the pertinence of all of the questions to issues arising out of the Covenant.

25. The lists of issues thus drawn up were transmitted directly to the permanent missions of the States concerned with a note stating, inter alia, the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can be facilitated by making the list available in advance of the Committee's session."

26. In order to allow sufficient time for the list of questions to be translated into the appropriate language, the transmission of the list to the capital concerned and preparation of adequate responses by the relevant State party, the Committee believes that it is essential for the pre-sessional working group to be held at least one, and preferably two, months prior to the relevant session. In particular, this would clearly meet the concern expressed at recent sessions by a number of States parties. The Committee recognizes that this entails additional financial implications but considers that this limited expense is very strongly justified.

27. In addition to the task of formulating the lists of questions, the pre-sessional working group was also entrusted with other tasks designed to facilitate the work of the Committee as a whole. These included: discussing the most appropriate allocation of time for the consideration of each State

report, considering the issue of transitional arrangements in view of the extended periodicity of reporting; undertaking a preliminary review of the draft general guidelines; and considering the issue of how best to respond to supplementary reports containing additional information.

(b) Presentation of the report

28. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure was followed in this regard at the Committee's fourth session. The representative of the State party was invited to introduce the report by making brief introductory comments and, if possible, responding to the list of issues drawn up by the pre-sessional working group. A period of time was then allocated to enable the representatives of the specialized agencies to provide the Committee with any observations relevant to the report under consideration. During the same period members of the Committee were invited to put questions and observations to the representative of the State party. As a matter of practice, the members who had participated in the pre-sessional working group were expected to limit their additional questions and the Committee accorded priority to those members who were not present at the pre-sessional working group. A further period of time was then allocated to enable the representative to respond, as precisely as possible, to the questions posed. It was generally understood that questions that could not adequately be dealt with in this manner could be the subject of additional information provided to the Committee in writing.

29. The final phase of the Committee's examination of the report consisted of a period during which members were invited to offer any concluding observations they wished to make on the basis of all the information available to them. Rather than taking place on the same day as the final set of replies by the representative of the State party, it was agreed that this final phase would be held at least one day later, in order to provide adequate time for members to reflect on the information provided and to reach a balanced evaluation. It was understood that this period would not be used to raise entirely new issues which the State party had not had a chance to address in its replies. To facilitate the process it was agreed that the Chairman would request a particular member, ideally not from the same region as the reporting State, to be the first speaker during the concluding observations phase of the consideration of each report. This arrangement did not in any way preclude other members from making whatever concluding observations they wished. The Committee invited the representative of the State party concerned to be present during this phase and the possibility was foreseen for the Committee to invite additional brief observations to be submitted by the representative if he or she so requested. Moreover, in subsequently providing the Committee with any written additional information it was agreed that the State party concerned was free to address any of the Committee's concluding observations.

30. At its first four sessions the Committee endeavoured to make the most of the very limited time available in which to undertake a constructive and mutually rewarding dialogue with the representatives of States parties. This generally involved an effort to remain within a time-limit for each phase of the examination, on the basis that only one meeting (three hours) could generally be devoted to each report.

31. The Committee decided at its fourth session that its consideration of the global reports which States parties were beginning to submit in accordance with the new five-year periodicity would necessitate the allocation of considerably more time for each phase of the examination. It was agreed in general that on the basis of the time (three hours) presently allocated for the consideration of the equivalent of one third of a global report, and in line with the practice of the Human Rights Committee, up to a total of three meetings would be allocated for each global report. While recognizing that it might wish, in the light of future experience, to revise its approach, the Committee agreed to allocate the following indicative times for each phase: up to 30 minutes of general introductory comments by the representative of the State party; up to 2 hours for the representative to respond to the list of written questions; up to 3 hours for observations by representatives of the specialized agencies and questions by members of the Committee; up to 2 hours for further replies by the State party; and up to one hour, on a subsequent day, for concluding observations by members of the Committee.

2. The general discussion

32. At its second session the Committee decided (E/1988/14, para. 365) that at each of its future sessions it would devote one day, during the final week of its session, to a general discussion of one specific right or a particular article of the Covenant in order to develop in greater depth its understanding of the relevant issues. The discussion would take account of relevant information contained in the reports of States parties and of any other relevant material. The Committee agreed that at both its third and fourth sessions the focus of its discussions would be on the rights contained in article 11 of the Covenant. At its third session the principal emphasis was on the right to adequate food, while the right to housing was the main emphasis at the fourth session.

33. In the context of its general discussions the Committee has sought to draw as widely as possible on any available expertise which would assist it in its endeavours to develop a deeper understanding of the central issues. In that regard it has attached particular importance to the recommendation adopted by the meeting of Chairpersons of human rights treaty bodies convened pursuant to General Assembly resolution 42/105 of 7 December 1987, to the effect that "the treaty bodies should consider establishing procedures designed to facilitate regular meetings with relevant special rapporteurs of the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities who are working on directly relevant subjects, whenever this would be useful". 2/

34. Accordingly, the Committee invited Mr. Asbjørn Eide, the Special Rapporteur on the right to adequate food as a human right, of the Sub-Commmission on Prevention of Discrimination and Protection of Minorities, to participate in the general discussion at its third session. Similarly, Mr. Danilo Türk, the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights, was invited to participate in the general discussion at its fourth session. In both cases the resulting exchange of views proved to be particularly rewarding and a summary of the discussions which took place has been included in the Committee's report on its third (E/1989/22, chap. IV, sects. B and C) and current (see below, chap. VI) session.

35. The Commmittee also sought to draw upon the expertise of the relevant specialized agencies both in its work as a whole and, more particularly, in the context of its general discussions. In this regard representatives of ILO, FAO and the United Nations Centre for Human Settlements (HABITAT) all made informative and constructive contributions to its deliberations.

36. In addition, the Committee invited selected experts who appeared to have a particular interest in, and knowledge of, some of the issues under review, to contribute to its discussions. Thus at its third session it heard from Mr. Scott Leckie (consultant on housing and human rights issues) and at its fourth session it heard presentations by Ms. Julia Haüssermann (Executive Director of Rights and Humanities), Mr. Rolf Kunemann (expert on food issues and Director of the Food International Action Network), Mr. Russel Barsh (expert on indigenous development issues and a representative of the Four Directions Council), Mr. Denis von der Weid (expert on the right to housing) and Mr. Scott Leckie. It considered that these contributions added considerably to its understanding of some aspects of the questions arising under the Covenant.

3. General comments

37. In response to an invitation addressed to it by the Economic and Social Council in paragraph 9 of resolution 1987/5, the Committee decided at its second session (E/1988/14, para. 367) to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties to fulfil their reporting obligations.

38. By the end of its fourth session the Committee and the sessional working group of governmental experts which existed prior to the creation of the Committee had examined 130 initial reports and 47 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant. This experience covered a significant number of States parties to the Covenant, which consisted of 94 States at the end of the fourth session. They represent all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far

illustrate many of the problems which might arise in implementing the Covenant although they have not yet provided any complete picture as to the global situation with regard to the enjoyment of economic, social and cultural rights.

39. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of these reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures and to stimulate the activities of the States parties, the international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions which it has drawn therefrom, revise and update its general comments.

40. The method of work followed by the Committee in the preparation of its general comments has been described in detail in the report on its second session (E/1988/14, para. 370).

41. At its third session the Committee adopted its General Comment No. 1 (1989), which dealt with reporting by States parties (see E/1989/22, annex III). At its fourth session the Committee adopted its General Comment No. 2 (1990), which dealt with international technical assistance measures (article 22 of the Covenant) (see below, annex III).

Chapter IV

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT, AND IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX), DECISION 1985/132 AND RESOLUTION 1988/4

42. In accordance with Economic and Social Council resolution 1979/43 of 11 May 1979, the Committee at its 5th meeting, held on 17 January 1990, considered the status of submission of reports under articles 16 and 17 of the Covenant.

43. In this connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the compilation of general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1987/2);

(b) Note by the Secretary-General on reservations, declarations and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1);

(c) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 1 November 1989 (E/C.12/1990/2);

(d) General Assembly resolution 44/129 of 15 December 1989 and Economic and Social Council resolution 1989/81 of 24 May 1989.

44. In addition to the reports scheduled for consideration by the Committee at its fourth session (see para. 46 below), the Secretary-General informed the Committee that he had received, as at 15 January 1990, the reports submitted under articles 16 and 17 of the Covenant by the following States parties to the Covenant: initial report on articles 10 to 12 of Ecuador (E/1986/3/Add.14); initial reports on articles 13 to 15 of the Democratic People's Republic of Korea (E/1988/5/Add.6) and Ecuador (E/1988/5/Add.7); second periodic reports on articles 13 to 15 of Finland (E/1990/7/Add.1), Sweden (E/1990/7/Add.2), Spain (E/1990/7/Add.3), Colombia (E/1990/7/Add.4), Byelorussian Soviet Socialist Republic (E/1990/7/Add.5), Czechoslovakia (E/1990/7/Add.6) and Norway (E/1990/7/Add.7); initial global reports on articles 1 to 15 of Democratic Yemen (E/1990/5/Add.2), Costa Rica (E/1990/5/Add.3) and Dominican Republic (E/1990/5/Add.4); and the second periodic report on articles 1 to 15 of the Syrian Arab Republic (E/1990/6/Add.1).

45. In accordance with Council decision 1981/158 of 8 May 1981, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with Council resolutions 1979/43 and 1988/4, the Committee has made a number of recommendations to the Council with regard to the submission of reports by States parties which are included in chapter VII of the present report.

Chapter V

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT, AND IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX), DECISION 1985/132 AND RESOLUTION 1988/4

46. At its fourth session, the Committee examined nine reports submitted by seven States parties under articles 16 and 17 of the Covenant. It devoted 19 of the 26 meetings it held during the fourth session to the consideration of these reports (E/C.12/1990/SR.2, 3, 5-20 and 23). The following reports, listed in the order in which they had been received by the Secretary-General, were before the Committee at its fourth session:

Initial reports concerning articles 6 to 9 of the Covenant

Afghanistan	E/1984/6/Add.12
Panama	E/1984/6/Add.19

Second periodic reports concerning articles 6 to 9 of the Covenant

Jamaica	E/1984/7/Add.30

Initial reports concerning articles 10 to 12 of the Covenant

Jamaica	E/1986/3/Add.12
Mexico	E/1986/3/Add.13

Second periodic reports concerning articles 10 to 12 of the Covenant

Cyprus	E/1986/4/Add.2 and E/1986/4/Add.26
Panama	E/1986/4/Add.22
Colombia	E/1986/4/Add.25

Initial reports concerning articles 13 to 15 of the Covenant

Jordan	E/1982/3/Add.38/Rev.1
Iran (Islamic Republic of)	E/1982/3/Add.43
Philippines	E/1988/5/Add.2
Jamaica	E/1988/5/Add.3
Argentina	E/1988/5/Add.4
India	E/1988/5/Add.5

Initial global reports concerning articles 1 to 15 of the Covenant

Luxembourg	E/1990/5/Add.1
Democratic Yemen	E/1990/5/Add.2

Supplementary information submitted by States parties

Zaire	E/1989/5
France	E/1989/5/Add.1
Netherlands	E/1989/5/Add.2

47. At its 1st meeting, held on 15 January 1990, the Committee agreed, at the request of the Governments concerned, to postpone to its fifth session consideration of the initial report of Afghanistan (E/1984/6/Add.12) concerning articles 6 to 9 of the Covenant, the initial report of Jordan (E/1982/3/Add.38) concerning articles 13 to 15 of the Covenant and the initial report of Democratic Yemen (E/1990/5/Add.2) concerning articles 1 to 15 of the Covenant. At its 3rd meeting, held on 16 January 1990, the Committee also agreed, at the request of the respective Governments, to postpone to its fifth session the consideration of the initial report of the Islamic Republic of Iran concerning articles 13 to 15 of the Covenant (E/1982/3/Add.43) and of the initial report on articles 6 to 9 (E/1984/6/Add.19) and the second periodic report on articles 10 to 12 (E/1986/4/Add.22) of Panama. At its 12th meeting, held on 23 January 1990, the Committee agreed, at the request of the Government of Luxembourg, to postpone to its fifth session the consideration of the initial global report of Luxembourg concerning articles 1 to 15 of the Covenant (E/1990/5/Add.1).

48. In accordance with Economic and Social Council resolution 1979/43 of 11 May 1979, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, 3/ the names and positions of the members of each State party's delegation are listed in annex IV to the present report.

49. In paragraph (f) of its resolution 1985/17 of 28 May 1985, the Economic and Social Council requested the Committee to include in the report on its activities a summary of its consideration of the reports submitted by States parties to the Covenant. In pursuance of that request, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain summaries based on the records of the meetings at which the reports were considered. Fuller information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee, which are available to the Council in accordance with its resolution 1985/17.

Cyprus (arts. 10-12)

50. The second periodic report of Cyprus concerning articles 10 to 12 of the Covenant (E/1986/4/Add.2 and E/1986/4/Add.26) was considered by the Committee at its 2nd, 3rd and 5th meetings, held on 16 and 17 January 1990 (E/C.12/1990/SR.2, 3 and 5).

51. The report was introduced by the representatives of the State party, who provided information and answers to a list of issues prepared by the pre-sessional working group. He stated that following the 1974 Turkish invasion of Cyprus, 37 per cent of the territory of Cyprus came under the military occupation of Turkey; 200,000 members of the Greek Cypriot population were forcibly expelled from their ancestral homes; and thousands of Greek Cypriots lost their lives or were reported missing. The economy of Cyprus including its agriculture, industry, tourism, mining industry, construction, trade, public transportation and telecommunications, were seriously destroyed, and the cultural heritage of thousands of years of civilization had been and was still being deliberately and systematically destroyed.

General matters

52. With regard to the general framework within which the Covenant was implemented, the members of the Committee wished to be provided with a short country profile including information on: land and people, economic, social and cultural characteristics of the country and the legal framework within which human rights were protected. It was asked what measures existed in the Constitution for the protection of these rights, in particular economic, social and cultural rights, and whether these were justiciable. A member wished to know whether there had been cases in which economic and social rights had been invoked before the High Court or administrative authorities.

53. Information was also sought on whether the economic situation of individuals who were not of Greek or Turkish origin was inferior to that of the population as a whole. The Committee wished to be informed whether there were differences between the economic situation in the Government-controlled areas and in the occupied areas.

54. In his reply, the representative of the reporting State stated that Cyprus was the third largest island in the Mediterranean and had an area of 9,251 square kilometres; and at independence in 1960 had a population of 450,000 Greek Cypriots and 103,000 Turkish Cypriots. At present the population was 80 per cent Greek Cypriots, 18 per cent Turkish Cypriots and 2 per cent other minorities.

55. With regard to the economic situation, he stated that despite the unprecedented catastrophe in the history of his country as a result of the Turkish invasion of 1974, the people and the Government of Cyprus were working together to rebuild the country, and that today one could characterize the economy of the country in the areas under the effective control of the Government of Cyprus as quite satisfactory. He pointed out that unemployment stood at 2.8 per cent of the economically active population, the rate of growth of the economy was estimated at about 6 per cent, inflation in 1988 was about 3.5 per cent, and the standard of living of the population was steadily rising.

56. With regard to the rights of the Covenant which were guaranteed by the Cypriot Constitution, the representative stated that the most important rights safeguarded were: the right to a decent living and social security, freedom to work and trade in business, freedom to contract, freedom to form and join trade unions and the right to strike. All these rights were clearly defined in the Constitution and effective enforcement measures were also provided for. She pointed out that the High Court might declare any act null and void, or declare that an omission should have been performed. She stated that under article 169 of the Constitution, international instruments ratified by the Government of Cyprus had the force of law and took precedence over any municipal law. She stated that to the best of her knowledge there had been no cases in which economic and social rights were invoked before the High Court.

57. As for the comparison between the economic situation in the government-controlled areas and in the occupied areas, she stated that while no accurate figures were available, the economic situation in the occupied areas was undoubtedly not good. The Cypriot Government was providing technical and other assistance to the Turkish Cypriots, electricity and water was being provided free of charge, and gas supply was subsidized by the Government. The Turkish Cypriots also benefited from assistance extended to the Cypriot Government by such institutions as the EEC, UNDP, FAO, WHO and the World Bank.

Article 10: Protection of the family, mothers and children

58. Members of the Committee asked to be informed of the results of the recent study designed to aid the "early identification and prompt offering of preventive services to anti-social and maladjusted youths" (E/1986/4/Add.26, para.17, sect.i), and how those terms were defined. Members also wanted to know what were the conclusions of the law-reform Committee on family law. Information was also requested as to the requirements necessary for the maternity grant and the widow's pension, and whether they had been changed significantly by the 1985 legislation on the subject. More specifically, the members of the Committee wanted to know how the Government defined the "upper" and "lower" part of ensurable earnings, on a "basic" part and a "supplementary" part.

59. Members wished to know what was the specific nature of the extensive system of preventive services which the Government claimed were provided to families by social workers. It was also asked what percentage of working mothers were provided with day-care services for their children.

60. With regard to the protection of children, members wished to know what was the minimum age of employment for children. Information was also sought on the legal status of adopted children and children of unmarried couples; it was asked whether they had the same status as children born in marriage.

61. A member wanted to know whether a wife had the same rights as her husband, and in case of divorce whether both parents would continue to exercise parental authority over the children. Information was also requested

as to the difference between civil and religious marriages, as to whether spouses had free choice between the two types of marriage, and as to the rate of marriages and percentage of divorces.

62. The ILO representative informed the Committee about the relevant ILO conventions ratified by Cyprus. He pointed out that Cyprus had not yet ratified the ILO Maternity Protection Convention (Revised), 1952 (Convention No. 103). As regarded the protection of children and young persons in employment, he drew the Committee's attention to an observation made by the Committee of Experts on the Application of Conventions and Recommendations of ILO relating to the registers which employers should keep, in accordance with the Minimum Age (Underground Work) Convention, 1965 (Convention No. 123), giving all the indications concerning employment of those less than 18 years of age, and which employers should make available to representatives of workers. The Cypriot authorities had made it known that that question would be examined on the occasion of the revision of the law on employment of children.

63. In reply, the representative of the reporting State explained that the strengthening of the family, identification of family problems and offer of specialized services to the family for its smooth functioning and the promotion of child welfare remained constant aims of the social welfare services of his country. In that respect the following measures were envisaged: updating of the legislation for children, juvenile delinquents and adoption; relevant draft bills on these subjects were due to be submitted to the Council of Ministers shortly; offering of services of social workers to elementary schools; improvement of the services offered to families facing a problem; updating and streamlining of the institutional services offered to children and young persons facing problems of adjustment or antisocial behaviour.

64. He stated that the Law Reform Committee on Family Law had reached the following conclusions: there was a need for immediate reform and modernization of the family law of Cyprus; family law was deeply rooted in custom and tradition and had been highly influenced by the law of the Church, which presented a serious obstacle to the evolution of the family law and hindered the State in efforts to harmonize it in order to respond to its obligations under relevant international conventions, in particular, with regard to the equality of spouses in civil law. In that regard he stated that the amendment of article 111 of the Constitution was considered to be absolutely necessary. Article 111 vested exclusive jurisdiction on matters of marriage and divorce, in the case where both spouses were members of the Greek Orthodox Church, in the Church, exercised through ecclesiastical courts which were outside the jurisdiction of the courts of the State. The amending law should provide that matters of marriage, divorce, separation and family relations would be governed by the laws of the State; all citizens should freely choose between a civil or a religious marriage or the possibility of both; jurisdiction on matters relating to marriage and divorce should be transferred to civil courts; a permanent committee on family law should be set up to submit periodically to the Government suggestions on the necessary

reforms. He stated that amendments to article 111 of the Constitution had already been approved by the Council of Ministers and deposited in the House of Representatives for the implementation of the conclusions of the Law Reform Committee on Family Law. It was stated in this respect that the marriage rate in the country was 7.0 per thousand of the population and the divorce rate 0.56 per thousand of the population.

65. With regard to protection afforded to pregnant women and working mothers, he stated that the maternity grant which was payable to a woman giving birth either on her own or on her husbands's insurance had been increased substantially since the submission of the first report of his country, from 27 Cypriot pounds to 103 Cypriot pounds. However, though paid on either the woman's or the man's insurance, it was not paid to the man. He stated that the first special law on maternity protection was enacted in April 1987, and provided the right of employed women to maternity leave of 12 consecutive weeks; guaranteed payment of an allowance during maternity leave; protected pregnant women from unlawful dismissal; provided facilities for nursing and care of the child for a period of six months following confinement; prohibited the employment of pregnant women in work defined as being prejudicial to her health or that of her child; preserved the seniority rights of women as well as their right to reinstatement in their former work or in equivalent work paid at the same rate.

66. The representative of the reporting State stated that widow's pension was payable to the widow of a person if at the time of his death he satisfied the relevant contribution conditions and she was living with him or was wholly or mainly maintained by him. A widower's pension was payable to a widower whose wife satisfied the contribution conditions on her death only if he was permanently incapable of self-support and was wholly or mainly maintained by her. He explained that the weekly amount of the basic pension was 60 per cent of the average weekly earnings of the deceased insured spouse in the lower band of insurable earnings over a specified period. The supplementary amount was 60 per cent of 1/52 of 1.5 per cent of the total amount of the paid and credited insurable earnings of the deceased spouse in the upper band of insurable earnings. He explained that the insurable earnings included a lower limit known as the basic earnings. The total annual insurable earnings of every insured person was divided into two bands: the lower band, which included the insurable earnings up to the basic earnings, and the upper band, which included the insurable earnings above the "basic earnings".

67. With reference to minimum pension, he stated that the Government introduced in 1985 the institution of a minimum pension for pensioners whose pensions were substantially reduced due to reduced contributions. That pension amounted to 50 per cent of the full basic pension and from July 1989 that amount had been increased to 70 per cent of the full basic pension.

68. The representative of the State party stressed with regard to the protection of children and young persons that preventive services continued to be one of the most important programmes of social welfare in the field of family and child protection. Since 1978 a new procedure had been adopted for

dealing with juvenile delinquents in co-operation with the police and the Attorney-General, so as to avoid penal measures for persons under 16 years of age. He stated that 32 community operated day-care centres had been established in different parts of the island, which catered for approximately 2,300 children. Community centres and youth clubs were also used to supplement and enrich the family's provisions, especially in the areas of play and recreation. Other measures in the field of protection of children included the extension during the last 10 years of the services for the care of children of working parents. The percentage of working parents provided with day-care services for their children was estimated to be between 57 and 60 per cent.

69. With reference to the minimum age of admission to employment for children and young persons, he stated that a revision of the existing Children and Young Persons (Employment) Law was due to be submitted shortly to the House of Representatives. Under this Bill the minimum age of admission to employment of children would be raised from 13 to 15 years of age in non-industrial undertakings. However children under 15 years of age would be allowed to be apprenticed for the purpose of learning a trade. He further stated that underground employment of persons under 18 would be prohibited completely.

Article 11: Right to an adequate standard of living

70. Information was sought as to whether there were problems of malnutrition, whether in Cyprus the concept of a poverty line existed, and, if so, how many persons fell below it and how they were assisted. With regard to housing, information was requested concerning the disparity in standard of houses between the urban and rural areas and as to the criteria used for comparison.

71. In reply, the representative stated that the protection afforded under the public assistance legislation had been improved substantially since the submission of the initial report (E/1980/6/Add.3); the rates of benefits had risen from Cyprus pounds 10.40 in 1979 to 60.50 in 1990. The Government had intensified its efforts for developing non-institutional services for the aged, such as home help services and day-care centres. In order to assist the lower and middle income families to acquire their own houses, the Government had established two corporations in 1980: the Housing Finance Corporations and the Cyprus Land Development Corporation.

72. With regard to the question of malnutrition it was stated that, if anything, Cypriots were overfed rather than undernourished. With regard to daily calorie intake, the representative quoted a figure of 3,000 per inhabitant, and pointed out that that figure would be confirmed in the next report. The representative stated that with regard to the concept of a poverty line, a study carried out three years previously had established the basic needs of citizens. Any person, whether or not a Cypriot citizen, whose income and other resources were not sufficient to cover his/her needs had a legal right to public assistance.

Article 12: Right to physical and mental health

73. The members of the Committee wished to know why the number of hospital days had declined by 50 per cent when the number of in-patients during the same period had risen by close to 3,000; it was asked whether it was true that vaccinations against tetanus were only given to young females and if so, why. Members also wanted to know how the Government had acted to remedy the deficiencies found by the relevant authorities overseeing the implementation of the European Social Charter with respect to safe and healthy working conditions of farmers and the inability of children to get the full benefit of compulsory education when employed.

74. Information was also sought concerning the number of registered cases of AIDS; and if the public authorities had taken the necessary measures to prevent discrimination against those suffering from AIDS. It was asked whether health services were of the same quality in the public sector and in the private sector and whether disadvantaged groups of the population had access to the health services in the private sector. Statistical information was also requested concerning drug addicts and whether there existed specialized centres for their treatment.

75. Members of the Committee wanted to know whether abortion was illegal, and, if so, whether it was allowed if the health of the mother was in danger. It was also asked whether abortion in cases of rape and homozygotes foetuses was compulsory.

76. In reply, the representative of the reporting State stated that in the general field of occupational safety and health a number of significant pieces of legislation had been enacted since the submission of the second periodic report, the most important of which were: the Woodworking Machinery (Amending) Regulation 1988; the Safety at Places of Work Law, 1988; the Safety Committees at Places of Work Regulations, 1988; the Factories (Amending) Law 1989.

77. With reference to safety, health and welfare in the agricultural sector, it was pointed out that in 1989 the Government had issued the Agricultural Works (Safety, Health and Welfare) Regulations.

78. The representative stated that the public health care sector was open to low-income individuals free of charge, while that of the private sector was open to those who could afford to pay. Apart from general hospitals functioning in all towns, a great number of rural hospitals, rural health centres and sub-centres were dispersed all over the island serving the rural population.

79. He explained that only girls were given a booster dose of tetanus at 15 years of age, because the boys were vaccinated later, when they joined the Army at the age of 17 or 18. The reduction in the number of beds available at the public hospitals whilst the number of in-patients increased was attributed to the shortage of nursing staff. All security, social

assistance and medical health programmes and services of the country were enjoyed by all groups of population, without discrimination on any grounds whatever.

80. With reference to abortion, the representative stated that termination of pregnancy had been made legal in the case of rape, in the wake of the Turkish invasion. But abortion was never compulsory; even in the case of homozygotes foetuses the decision remained with the mother. He stated that only 4 persons had died of AIDS, 4 were suffering from it and there were 40 carriers. Publicity about AIDS had helped to reduce discrimination against AIDS sufferers.

81. Finally, the representative stated that questions regarding fertility rates, per capita income in Cyprus and matrimonial law would all be referred to the competent authorities and responses would be given in the next report.

Concluding observations

82. In concluding consideration of the second periodic report, the members of the Committee expressed their appreciation to the Government of Cyprus for its detailed and informative report, as well as to the Cypriot representatives for their candid replies and explanations given to the questions raised by the members. The Committee noted in particular that despite the situation obtaining in the country as a result of the fact that part of the national territory had been occupied for the past 17 years by the Turkish army, the Committee could not but appreciate the efforts, both legal and economic, displayed by the Government in the carrying out of its obligations under the Covenant. The Committee expressed concern about this situation and hoped that the talks under the auspices of the Secretary-General of the United Nations would lead to a just and lasting solution of the problem, so as to enable the Government of Cyprus to fulfil its obligations under the Covenant within the entire territory of the Republic.

83. The Committee considered that both the report of the Government of Cyprus and the Committee's dialogue with the Cypriot representatives had been positive. The Committee observed that the report had been admirably presented and that the Government's representatives had been ready to engage in a dialogue without taking refuge in generalities.

84. The Committee noted that, as stated by the representative of Cyprus, questions which were not fully answered would receive detailed replies in the next report.

Mexico (arts. 10-12)

85. The Committee considered the initial report of Mexico concerning the rights covered by articles 10 to 12 of the Covenant (E/1986/3/Add.13) at its 6th, 7th and 9th meetings held on 18 and 19 January 1990 (E/C.12/1989/SR.6, 7 and 9).

86. In her introduction, the representative of the State party drew attention to her country's legislation provisions aimed at promoting and developing economic, social and cultural rights. She explained that, in its efforts to cope with the serious economic crisis being experienced by the country, the Mexican Government had in 1989 adopted a five-year development plan designed to consolidate economic stability, promote investment and modernize the production structure. It had also concluded an agreement with creditor banks that had reconciled the interests of over 500 banks. Mexico had 84 million inhabitants - of whom 47 per cent were under 18 years of age - as well as a rapidly increasing active population. Whence the need to raise levels of living, create jobs and satisfy basic social needs.

87. She mentioned the main provisions of Mexican legislation dealing with the protection of the family and children as well as the administrative measures taken by her Government in assisting the most disadvantaged families, organizing family planning programmes, protecting children and adolescents against economic or social exploitation and abandonment, and assisting the elderly. She noted that, although her Government attached special importance to the right to an adequate standard of living, conditions of extreme poverty still prevailed in certain regions. In order to remedy that situation, a National Solidarity Council had been established to improve the productive capacity of disadvantaged groups. The right to adequate food was one of her Government's main concerns, since food production had not yet reached an adequate level for the country as a whole. Referring to the housing problem, she said that about 40 per cent of Mexican housing units lacked basic amenities and that the housing situation was difficult, particularly in urban areas, owing to a steadily increasing population and the destruction caused by the 1985 earthquake. A massive programme for the reconstruction and rehabilitation of low-cost housing had recently made it possible to rehouse a large number of families. She added that indicators of the health of the Mexican people revealed a very sharp improvement: the mortality rate and in particular the infant mortality rate had declined considerably. Preventive medicine had made headway and measures had been taken to prevent and combat alcoholism, drug and tobacco addiction and AIDS. Lastly, the general ecological equilibrium and environmental protection law that had entered into force in 1988 provided the basis for an integrated environmental policy.

General matters

88. Members of the Committee stated that the report presented an encouraging picture of progress and development in Mexico and thanked the Mexican representative for her introduction and, in particular, for her frank references to the difficulties encountered in the country, especially those relating to the external debt.

89. With reference to the general framework within which the Covenant was implemented, members of the Committee wished to know how the Covenant was incorporated in domestic legislation, what programmes were being carried out for the promotion of the rights covered in the Covenant using ODA or international co-operation by United Nations bodies or regional bodies, what

form international co-operation took and what percentage was represented by the assistance received through this co-operation in the development of the country and in the enjoyment of the rights recognized in the Covenant. They wished to know also what was the impact of the external debt of Mexico on the enjoyment of the rights recognized in the Covenant, what were the effects of the Covenant in practice, of what consisted the Economic Solidarity Agreement mentioned in the report, and to what was attributable the decrease in the population growth rate.

90. Furthermore, it was recalled that Mexico had been active in drafting of the Additional Protocol to the American Convention on Human Rights concerning economic, social and cultural rights and it was asked how, in the view of the Mexican Government, that instrument might relate to the Covenant. It was also noted that indigenous peoples constituted 9 per cent of the Mexican population and information was requested on the criteria applied for defining indigenous peoples as well as on whether a federal department existed in Mexico to promote the welfare of indigenous populations.

91. The representative of ILO informed the Committee of the relevant ILO conventions that had been ratified by Mexico and of the various measures adopted by the Mexican Government with a view to their implementation. He pointed out that a difference remained between Mexican legislation and the ILO Night Work of Young Persons (Industry) Convention (Revised), 1948 (Convention No. 90) as regards the definition of the term "night period".

92. In her reply, the Mexican representative stated that, in accordance with article 133 of the Mexican Constitution, the articles of the Covenant had the force of law. She then indicated which international assistance programmes were being implemented in Mexico and noted that they amounted to a total of about 90 million dollars per year. Mexico's external debt as well as its 1989 budget deficit of $5 billion were hampering the implementation of social programmes and exerting downward pressure on wages and the standard of living in general. Nevertheless, the authorities were taking steps to ensure that the most disadvantaged segments of the population had access to services and assistance that would enable them to satisfy their basic needs. The effects of the Covenant in practice could not be distinguished from the effects of the social legislation enacted prior to the Covenant's ratification. She explained that the Economic Solidarity Agreement had been concluded between the representatives of the public sector, workers and private enterprises to curb inflation and prevent the deterioration of working conditions. The decline in the population growth rate was due to the introduction of measures aimed at promoting family planning and in particular birth spacing.

93. The representative added that the criterion used by the population censures to define indigenous peoples was that of language. A draft constitutional amendment was currently being studied to protect, preserve and promote the development of indigenous languages, cultures, customs and specific forms of social organization as well as to ensure effective access to courts by indigenous people. A National C[illegible]sion of Justice for the Indigenous Peoples of Mexico had been estab[illegible]ed in 1989 within the framework of the National Indigenous Institute.

Article 10: Protection of the family, mothers and children

94. Members of the Committee wished to receive more information about the treatment of drug addiction in Mexico. They also observed that the wording of the report gave the impression that the right to housing was restricted to persons of Mexican nationality, which would be contrary to the provisions of the Covenant, and they asked for clarification on this point. Clarification was also requested about the sentence in paragraph 120 of the report which stated that minors must not be employed in work outside Mexico. It was asked, in this connection, how Mexican jurisdiction would be applied outside Mexican territory, and, in general, how child labour functioned in Mexico, what the minimum legal age was for employment, what percentage of children worked and how many children under the legal age actually worked. In addition, members of the Committee wished to know what were the recognized rights to persons who had been granted refugee status in Mexico, in what way the indigenous population benefited from the rights established in article 10, whether there was in Mexico any special regulation for domestic employees and, if so, what the differences were between this regulation and the general regulations. They further asked what efforts were being made to extend maternity and child care benefits to women working in the informal sector of the Mexican economy, to increase hiring of women in the formal sector and to change negative stereotyping of women; how many families benefited from the National System for Integrated Development of the Family and how many were turned away; what efforts were being made to reduce economic and social exploitation of minors and reduce abandonment, to what extent juvenile crime and drug abuse were a problem in urban areas, and what was being done to reduce these problems.

95. Furthermore, members of the Committee wished to know whether it was possible in Mexico for both parents to continue exercising parental authority over the children, in particular, in the case of dissolution of marriage, and which type of marriage régime was applicable in the absence of a marriage contract. Statistics were requested on the rates of marriages, divorces and free unions. Members of the Committee wondered whether the phenomenon of unmarried couples constituted a tradition or a modern trend in the country. They also asked whether the Economic Solidarity Agreement provided for compensation to pensioners and workers for the effects of inflation on their incomes and whether the right of a working mother to have her job back meant the right to the same job or to an equivalent job. In addition, more information was requested on the imposition of custodial sentences on juvenile delinquents and on the problem of ill-treatment of children. It was asked, in particular, whether the Mexican system of justice made it possible to separate young offenders from adults.

96. In her reply, the Mexican representative provided details concerning the drug addiction problem which, in her country, mainly affected street urchins and was essentially the responsibility of the health sector. A National Council to combat drug addiction had been established in 1986 to co-ordinate the activities of the central and local authorities in that sphere. She also explained that the right to housing was not limited to Mexican citizens and that, under article 27 of the Constitution, the Nation could, in the public interest, impose various limitations on private property.

97. As regards the rights of persons enjoying asylum in Mexico and the recognized rights of refugees, she explained that, although the general law relating to the population did not as yet grant immigrant status to refugees, its amendment was being considered. The Mexican Government's refugee policy provided for various forms of assistance which were incorporated in international aid measures, and it was making every effort to find jobs for refugees. She added that Mexico's 56 ethnic minorities, which accounted for 9 per cent of the country's population, were entitled to the same social benefits as other citizens, and that articles 331-343 of the Federal Labour Law specified employment conditions for domestic employees. Women working in the unstructured sector were entitled to the benefits available under the national health system. Although inequalities as regards the access of women to political and social activities still persisted, measures to promote the integration of women into the national development process had been taken by the Mexican Government in its 1989-1994 national development plan. Generally speaking, all families from the disadvantaged classes or the marginal zones of the country benefited from the activities of the National System for Integrated Development of the Family which covered various fields, including control over the employment of minors and the treatment of juvenile delinquents. The protection of minors seeking work abroad against exploitation was also the responsibility of the External Affairs Secretariat.

98. Furthermore, the representative stated that cohabitation was a widespread means of forming a family in Mexico, in particular, among the working classes. Accordingly, the law afforded protection to natural children and common law spouses and recognized the legal implications of cohabitation. Information was also provided with regard to marriages in Mexico in 1985 and the legal procedures concerning the exercise of parental authority in the case of dissolution of marriage. The representative further pointed out that the primary aim of the Economic Solidarity Agreement was to reduce inflation and thus help those who had low incomes. In addition, she indicated that mothers who had been on maternity leave recovered their job with all their rights, even though women who had not possessed a fixed contract might meet difficulties. Special institutions existed in Mexico for the treatment of juvenile delinquents. In accordance with the Act establishing Tutelary Councils for Juvenile Delinquents, minors brought before a judicial authority were to be immediately transferred to observation centres and they were placed in detention in institutions different from those for adults.

Article 11: Right to an adequate standard of living

99. Members of the Committee asked for explanation about "trade union shops" mentioned in paragraph 150 of the report. They also asked for the definition, within the context of Mexican legislation, of the communes (ejidos) and communities. Furthermore, they wished to know what difficulties Mexico was confronting with regard to the housing problem, what percentage of the population lived in inadequate dwellings, how the housing problem was being dealt with in rural areas and what the standard of the dwellings of the indigenous population was as compared with that for the non-indigenous population. They wished to know also the reasons why, during 1987, the

Fondo Nacional de Habitaciones Populares (FONHAPO) was responsible for 23 per cent of the total investment, while 91 per cent of the whole investment was going to 62 per cent of families attended by other institutions like INFONAVIT, FOVISSSTE and FOVIBANKS. They wondered whether the Government saw a problem of just distribution in this regard.

100. Members of the Committee inquired about the difficulties encountered by Mexico in ensuring just distribution of housing investment. They noted that the Mexican Constitution recognized the right to housing as a family right, not as an individual human right, and they asked what happened to the 2.5 million persons who did not live as part of a "family" in the sense of the Mexican Constitution and who would demand housing accommodation within the next decade. With regard to evictions, they asked what was the solution offered to the families recently evicted from Lomas del Seminario in Mexico City.

101. Members of the Committee wished to know what rights were granted to refugees in the context of article 11, and in this connection, what percentage of refugees had been adequately dealt with, how many had returned to their countries, in particular Guatemala, and how many had been granted Mexican nationality. It was also asked what the situation was with regard to the right to clothing in Mexico, what efforts had been made to protect workers from reduced purchasing power, whether the tripartite solidarity pact was still examining the inflation problem and whether any other efforts had been made to include labour unions in the decision-making process. In addition, it was asked what tangible progress was being made to alleviate the overcrowding, poverty and pollution in Mexico City, how population growth rates for Mexico City and other major cities compared with historic growth figures, how many people currently lived in the major metropolitan areas, whether the destruction resulting from the 1985 earthquake had been repaired and how structures had been developed to better withstand earthquakes and natural disasters.

102. Members of the Committee also wished to know what efforts had been made to regulate prices of basic products so as to make them affordable to workers with reduced purchasing power, whether special programmes were available to help the unemployed and underemployed, what projects were being pursued to increase urban reorganization and expand access to basic services in Mexico City, and what efforts had been made to modernize, to encourage and strengthen development of the social sector of the economy. Members of the Committee noted that production of staples in Mexico was insufficient to meet the needs of the expanding population; they also wished to know how it could be ensured that adequate nutrition was being distributed to the poorest sectors of the economy.

103. More information was requested on what measures had been taken by the Mexican Government to ensure a minimum income to people living in extreme poverty and to solve the problems of migrants returning to Mexico from the United States of America, as well as the problems of Guatemalan refugees. It was also asked whether the right to housing was understood in Mexico as a

general principle that the Government bore in mind or as a right that an individual could invoke before a court or an administrative agency on the basis of constitutional provisions, whether the Mexican Government had a concept of a "poverty line", how many persons lived in extreme poverty, what the current status was of attempts to ensure that malnutrition did not become a major problem in Mexico and whether any conditions were attached to the loan from the World Bank for housing purposes with respect to type of housing. In addition, members of the Committee asked what measures had been taken in Mexico to guarantee the rights contained in article 11 to unemployed people, what basic products it had been found necessary to import and how their distribution was organized, whether any measures had been taken with regard to the conditions of departure of migrant workers and whether indigenous persons had been consulted with regard to the implementation of the integrated agrarian reform.

104. In her reply, the Mexican representative explained that trade union shops were commercial establishments set up by the trade unions to provide their members with quality products at reasonable prices. She also provided clarification of the three types of land ownership referred to in article 27 of the Mexican Constitution, namely, public property, private property and social property, the latter being managed collectively by the communities concerned. She added that legislation on the right to housing accorded priority to families, although it did not exclude individuals from the benefits thereof. The housing problem in Mexico was above all of a qualitative nature and was aggravated, among other things, by population growth and the exodus from rural areas to the major urban centres. Increased assistance had been envisaged for the rural and indigenous population with a view to solving their housing difficulties. The authorities were endeavouring to satisfy the needs of various population groups by providing them with housing and by financing housing construction, and she provided detailed statistics on the subject. She explained that the Lomas del Seminario families had settled in an area where property developers had put up housing illegally; however, they had been rehoused elsewhere, mostly in housing that they already owned. As for the right to clothing, she said that, among its other activities, the National Company for the Supply of Popular Necessities sold clothing at reduced prices to very low-income and marginal groups. She then enumerated some of the measures that would be taken to improve living conditions in the capital of Mexico with a view to solving overpopulation and pollution problems and rebuilding what had been destroyed or damaged by the 1985 earthquake. She noted that, as a result of reconstruction programmes, about 90,000 families which had been housed in wretched conditions had been able to move into small apartments. Steps had also been taken to improve seismographic monitoring. Moreover, measures had been drawn up under the National Solidarity Programme that would, among other things, provide persons living in extreme proverty with sufficient food.

105. The representative pointed out that problems encountered with regard to Guatemalan refugees in Mexico in 1982 or 1983 had been attributable to the tense political situation in Guatemala. However, Guatemalans formed, at present, an integral part of the communities in which they lived. She stated

that Mexican law stipulated the conditions under which Mexicans were hired to work abroad, but no sanctions had been adopted in respect of undocumented migrant workers. With regard to returning migrants, including undocumented migrants, the sole purpose of the relevant legislation was to afford them the necessary assistance and protection. No agreement existed between Mexico and the United States of America relating to Mexican migrants.

106. The representative added that Mexican law established the right to housing but did not lay down norms or procedures for making that right effective. She also provided details about conditions attached to the loan agreed between the Mexican Government and the World Bank for housing purposes and stated that no programme existed in Mexico for guaranteeing the most vulnerable groups a minimum income since the status of the national economy did not permit it. Measures to relieve extreme poverty were taken, within the framework of the National Development Plan 1989-1994, by the National Solidarity Programme which also provided help to unemployed persons and indigenous peoples. Persons living in extreme poverty were defined as those lacking income equal to the minimum wage and living in places lacking services. Approximately 15 million persons were in that situation in Mexico. Agricultural food imports made it possible to cover the national consumption deficit. Measures to struggle against malnutrition were taken by the Department of Health, and the National Consumer Institute disseminated information to help the public improve its nutrition at the least possible cost. The National System for the Integrated Development of the Family helped to improve the nutrition levels of high-risk groups through its food assistance programmes. As regards the right to land of the indigenous population within the framework of the federal agrarian reform, the representative stated that there was no specific protection for the indigenous communities as the law could not discriminate between indigenous and non-indigenous people. However, the indigenous population received legal advice from the National Indigenous Institute.

Article 12: Right to physical and mental health

107. Members of the Committee wished to know in what way the social security programme of Mexico was being extended to the indigenous population and refugees, whether there were any differences between domestic employees and other employees as regards social security, how many doctors there were in Mexico for every 1,000 inhabitants, whether there was any governmental policy for making medicines affordable to the economically least affluent sectors, what measures had been adopted to prevent AIDS, whether the table on health reproduced in the report could be expanded to reflect the impact of population growth, and what difficulties Mexico was confronting with respect to birth control.

108. Members of the Committee further asked what environmental-pollution problems Mexico was confronting in urban and rural areas, what measures had been adopted to limit the effects of environmental deterioration, how development was reconciled with environmental protection in Mexico, what efforts had been made to extend health and sanitation services and drinking-water supplies in urban and rural areas, and what differences existed

in this connection between the two areas. Members of the Committee noted that, according to the relevant statistics, there was in Mexico a very close relationship between infant mortality, life expectancy and the existence of infectious/contagious diseases. They asked for further elaboration of this point and an indication of the efforts being made by the State to reduce its effects.

109. In addition, information was requested on any qualitative or quantitative difference between the care provided by the three types of health services existing in Mexico and on the practice of traditional medicine and the use of medicinal plants in the country.

110. In her reply, the Mexican representative explained that the indigenous population as well as refugees in Mexico benefited in the same way as the rest of the population from the social security system. A National Committee for the Prevention of AIDS had been functioning in Mexico since 1986. Medicaments were available to the destitute at very low prices or free of charge. She explained that the seriousness of pollution problems was due above all to the development of industries, the poor quality of fuels and the increase in the number of vehicles, and that people in urban areas were encouraged to use filters so as to reduce pollution.

111. As regards health services in Mexico, the representative stated that there was no qualitative difference in the three types of medical care provided, although there might be some differences in facilities between private and public institutions. In addition, she provided figures and detailed information concerning the distribution of medical care by sector. She also pointed out that the National Indigenous Institute and the Mexican Social Security Institute provided information and training concerning traditional medicine and medicinal plants.

Concluding observations

112. The Committee expressed the view that the initial report of Mexico was generally satisfactory and had presented a broad picture with respect to the implementation of articles 10 to 12 of the Covenant in the country very effectively. In addition, the replies given by the representative of Mexico to the numerous questions raised in the course of the discussion represented a valuable complement to the report. It was felt, however, that the information provided had remained very general on issues such as the programmes for indigenous peoples and had not enabled the Committee to ascertain the precise situation of the most vulnerable and disadvantaged groups in Mexico. The wish was therefore expressed to receive from the Mexican Government written replies providing further information on issues which the Committee had identified as needing further elaboration as well as information on some questions which had remained unanswered.

Philippines (arts. 13-15)

113. The Committee examined the initial report of the Philippines concerning the rights covered in articles 13 to 15 of the Covenant (E/1988/5/Add.2) at its 8th, 9th and 11th meetings, held on 19 and 22 January 1990 (E/C.12/1990/SR.8, 9 and 11).

114. The representative of the State party introduced the report and replied to the written questions prepared by the pre-sessional working group of the Committee. He stated, inter alia, that the report, which covered the period 1979-1981, was virtually obsolete in view of the very important events which had occurred in the Philippines since 1986 and which had, in particular, resulted in the adoption of a new constitution. In his statement, the representative proceeded, point by point, to update orally the information contained in the written report.

General matters

115. As regards the general framework for the application of the Covenant, the Committee wanted some more detailed and up-to-date information on the land and the people; the economic, social and cultural characteristics of the country; the legal framework for the protection of human rights; the changes in the field of education and culture following the fall of the Marcos régime; and the measures adopted to ensure that the rights of minorities were protected in the country.

116. Information was also requested on the subject of Government policy towards emigration and the steps taken by the Government in the field of education since the adoption of the Constitution in 1987. Some members of the Committee wished to have more information on the difficulties encountered by the Government in applying the provisions of the relevant articles of the Covenant.

117. In his reply, the representative of the State party supplied the Committee with population data and mentioned, inter alia, that the literacy rate of the population was 85.4 per cent. He emphasized that the existing Constitution was the fruit of the peaceful revolution of 1986, which had put an end to 20 years of the Marcos régime and had restored democracy, a major component of which was respect for and protection of human rights. After the revolution, the Presidential Human Rights Commission had been set up by President Corazón Aquino and, on its initiative, the Philippines had ratified several international human rights instruments, including the International Covenant on Civil and Political Rights and the Optional Protocol thereto. International human rights instruments ratified by the Philippines, he pointed out, formed an integral part of domestic legislation.

118. While describing the legal framework within which the new Constitution placed the protection of human rights, he quoted article II, section 11 of the Constitution, which stated that: "The State values the dignity of every human being and guarantees full respect for human rights". He also stated that the

1987 Constitution contained a bill of rights which was much wider than that contained in the earlier Constitution. A detailed description of the relevant provisions of the Constitution was given, together with an account of the changes that had occurred in Government policy in the field of education and culture since the fall of the Marcos régime. The representative informed the Committee that information concerning minority rights had been supplied by his country to the Human Rights Committee in his initial report 4/ and to the Committee on the Elimination of Racial Discrimination in his eighth, ninth and tenth reports. 5/ He also gave some replies to the questions on emigration, academic and university freedoms and the difficulties encountered in applying the provisions of articles 13 to 15 of the Covenant.

Article 13: Right to education

119. The Committee wished to know what percentage of the national budget was devoted to education; whether the Government of the Philippines received any assistance from foreign countries or the United Nations to promote the right to education; what measures the Government was taking to eliminate the distinctive two-tier system of higher education; what were the "values" whose importance for education was emphasized in the Constitution; and what were the substantive provisions of the Magna Carta for Teachers, who supervised its application and what protection it gave the teachers.

120. Some members of the Committee asked for details of the measures adopted by the Government to ensure access by all categories of the population to quality education and to close the qualitative gap between the forms of teaching given in the various establishments; on the special activities provided in the case of gifted children; on the number of pupils being taught in English, on the one hand, and in Filipino, on the other. They also wished to know the results of the literacy programme which had been organized for teachers from the ethnic communities.

121. In his reply, the representative stated that, for the academic year 1987/88, the Government had devoted 17.25 per cent of the national budget to education, as compared with 10.5 per cent during the 1983/84 academic year. That showed that the Government was devoting to education financial resources which corresponded to the rapidity of the demographic expansion of youth. He mentioned that his country was receiving loans and subsidies under ODA and described the distribution of the resources thus received among the corresponding sectors. He gave a detailed description of the steps taken by the Corazón Aquino Government to democratize teaching at all levels; of the system of programming public investment; of the Magna Carta for Public School Teachers and of the teachers recruitment system. He stated that education placed emphasis on physical values (hygiene and health), intellectual values (knowledge and a critical spirit), moral values (integrity and discipline), spiritual values (faith in God), social values (sense of responsibility, respect for other people, the public interest, respect for human rights, non-violence and popular participation) and political values (nationalism,

civic sense and patriotism). Those values had been defined by the Ministry of Education, Culture and Sports, which was responsible for embodying them in the educational system.

122. As for the disparity between the élite universities and those in the so-called "university belt" in Manila, he stated that many institutions in the university belt were on par with the élite universities, but such universities differed from the élite universities in the facilities which they could offer. Having described the measures taken in order to improve the quality of education in all universities, he stated that the Philippine Government fully recognized that there was a gap between what the law stated and what actually existed in practice, but it was handicapped by a lack of resources. The information requested was given on pre-school education; functional literacy programmes; the special schools for gifted children; the ownership of private schools and the use of English or Filipino in schools.

Article 14: Principle of free and compulsory education

123. The members of the Committee asked whether the principle of free and compulsory primary education was realized in accordance with the provisions of article 14. The representative was also asked to explain the financial implications of secondary and tertiary education.

124. Some members of the Committee asked for clarification regarding the concept of education being free of charge and, in particular, whether it covered everything a pupil might need: school supplies, meals and clothing. They also wanted to know if any citizens of the Philippines had already approached the courts to enforce their right to education, as set forth in the Constitution, including the principle of primary education free of charge.

125. In reply, the representative of the State party said that within the context of the reorganization of all the educational systems carried out in recent years in the Philippines, steps had been taken to democratize all education, including free secondary education, subsidies to private schools, scholarships (particularly for the members of cultural minorities) and student loans. He emphasized that the principle of free and compulsory primary education was included in article XVI of the Constitution and that the application of that constitutional standard was attested by the percentage of pupils who completed their studies in the primary schools: that figure, which had been 91.1 per cent in 1977/78, had risen to 98 per cent in 1987/88.

126. As to whether the right to education was enforceable, the representative stated that, in so far as the right to education included the obligation of the State to guarantee enjoyment of that right and to undertake to promote the exercise thereof, the citizen could demand it from the State; in principle a citizen could compel the Government to provide free education. However, there was as yet no case-law in that regard.

Article 15: Right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

127. The members of the Committee asked for further information on the steps taken by the Philippine Government to preserve the cultures of minority groups; on the English versus Filipino language debate; on Islamic culture programmes for adults and on programmes utilizing the indigenous alphabet of the Hanunoo Hangyan. Information was requested on the activities of the National Human Rights Commission in the area of education and culture. The Committee asked for an update of the information in the report concerning science and technology and for a description of the policy changes and institutional changes in the country.

128. Some members of the Committee wanted more information on the subject of the "Barangay" schools, which gave vocational education in various areas. They also asked whether the Philippine Government had any programme for the preservation of the Spanish language which, apart from the fact that it constituted a link with the other Spanish-speaking countries, was an essential part of the cultural heritage of the Philippines. It was also asked whether there was any legislation in the Philippines to guarantee freedom of scientific, literary and artistic creation and production and to protect the moral and material benefits resulting from scientific, literary or artistic work.

129. In his reply, the representative of the State party informed the Committee that the Filipino population spoke 70 languages and dialects and that the teaching languages were English and Filipino. While the loss of Spanish as an official language was to be regretted, the influence of Spain on Philippine culture was none the less still strong. He mentioned that, during the deliberations on adoption of the 1987 Constitution, the State had been encouraged to promote Spanish as a voluntary and optional language.

130. The representative said that the protection of intellectual property, was adequately covered by domestic legislation; furthermore, the Philippines was party to the Paris Convention for the Protection of Intellectual Property, the Bern Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention.

131. The representative of the State party supplied the Committee with the information requested concerning the preservation of minority cultures, pointing out that it recognized, respected and protected the right of the indigenous communities to preserve and develop their culture and their traditions; guaranteed equality of access to education and encouraged and supported research and studies in the area of art and culture. Under article XII of the Constitution, the State protected the rights of the ethnic communities to their ancestral lands. He described practical steps taken to implement those constitutional provisions, including the establishment of the Office of Muslim Affairs, the Office of the Northern Cultural Communities and the Office of the Southern Cultural Communities.

132. Replying to the question on the autonomy of the Muslim regions, the representative recalled that the Constitution provided for the establishment of two autonomous regions, one in the Cordilleras and the other in Mindanao. He emphasized that the establishment of autonomous regions grouping populations sharing a common historical and cultural heritage and with identical economic and social structures showed that the right of ethnic minorities and indigenous populations was respected.

Concluding observations

133. In concluding consideration of the initial report of the Philippines, members of the Committee thanked the representatives of the reporting State for their frank and sincere attitude in the presentation of the report and in their replies to the Committee's questions. However, it was noted that, despite the additional information provided, the replies to the questions had not been sufficiently clear and precise. It was suggested that additional written information would be welcome, and that it should focus on the situations of the most vulnerable groups in Philippine society and the protection of their rights to education, to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

Jamaica (arts. 6-9, 10-12 and 13-15)

134. The Committee considered the second periodic report of Jamaica concerning the rights covered by articles 6 to 9 of the Covenant (E/1984/7/Add.30) and its initial reports concerning the rights covered by articles 10 to 12 (E/1986/3/Add.12) and 13 to 15 of the Covenant (E/1988/5/Add.3), at its 10th to 12th and 15th meetings, held from 22 to 24 January 1990 (E/C.12/1989/SR.10-12 and 15).

135. The reports were introduced by the representative of the State party, who drew attention to the impact of declining activity in the extractive industries due to the contraction of the world market for raw materials on the realization of economic, social and cultural rights. Those economic difficulties were aggravated by declining production in the agricultural sector, manufacturing industries, construction and public works and by an increase in inflation and the external debt. Structural adjustment and stabilization programmes had therefore been launched with the support of the World Bank and IMF. Nevertheless, growing expenditure due to the devaluation of the Jamaican dollar had prevented the Government from coping as it would have desired with increasing requirements in the sphere of basic social services. A human resources development programme had also been launched following a recent economic upturn with a view to restoring social services, but attainment of its objectives had been compromised by the cyclone that had devastated the island on 12 September 1988.

General matters

136. As regards the general framework in which the Covenant was being implemented, members of the Committee requested information about Jamaica and its population, its general political structure, its economic, social and cultural characteristics and the general legal framework created to protect human rights in the country. They also asked what steps had been taken to inform the public about the Covenant and the reports submitted to the Committee, and what was the legal status of the Covenant. Noting that the reports had been submitted prior to the change of Government in February 1989, they asked to what extent the new Government still subscribed to those reports and whether it was emphasizing different priorities or other objectives from its predecessors. They further enquired how race affected social and economic advancement in Jamaica, what the Government was doing to identify and encourage a national identity, and whether programmes entailing international co-operation with foreign countries or United Nations bodies were being carried out to ensure the protection of the rights covered by the Covenant. Additionally, it was asked whether there was any plan to modify the country's economic structure so as to render it less vulnerable to changes in the international economic situation, to what extent environmental issues contributed to the economic difficulties limiting the enjoyment of economic, social and cultural rights, and whether certain traditional forms of common-law action were used to seek redress where economic and social rights were not being enjoyed.

137. The representative for ILO informed the Committee of the ratification and application by Jamaica of relevant ILO conventions as well as of the relevant conclusions and recommendations of the Committee of Experts on the Application of Conventions and Recommendations.

138. Replying to the questions raised, the representative of the State party provided information concerning the geographical and human characteristics of Jamaica, emphasizing that a large number of religions co-existed in the country, that freedom of worship was guaranteed by the Constitution, that 95 per cent of the population was of African origin and that there were no racial problems. Referring to the country's political structure, she recalled that Jamaica had been a member of the Commonwealth since 1962 and gave a short description of political activities in the country. She described its main economic activities and indicated that the authorities had for a long time been pursuing an international policy intended to provide the population with basic health and education services. Medical care was available free of charge up to the secondary level. Moreover, Jamaica with its rich heritage was endeavouring, within the framework of a multidimensional programme, to promote cultural activities, to stimulate historical research and to develop tourism. As for the general legal framework in which human rights were protected, she explained that although the various rights mentioned in the Covenant were not all listed in the Constitution, they were the subject of various legislative provisions. Should any one of those rights be violated, individuals did not, however, have any recourse comparable to that provided for in the Constitution for civil and political rights.

139. Replying to other questions, she emphasized that the text of the Covenant had been widely disseminated throughout the country, that many articles had been published and that lectures or discussions had been organized to emphasize the importance of human rights. Moreover, the new Government intended, among other things, to remedy shortcomings in the social sector, to facilitate the purchase of property by persons with low or intermediate incomes and to improve public transport. She also emphasized that race had nothing to do with the place occupied by the individual on the economic or social ladder, that cultural development was the responsibility of the Institute of Jamaica and Cultural Development Commission, and that the Government was taking steps to ensure that economic co-operation programmes promoted the economic and social welfare of the population - a large proportion of ODA being used for the creation of capital goods to satisfy the country's priority requirements.

140. She added that, in order to reduce the Jamaican economy's dependence on international conditions, the Government had made efforts to diversify national production and to increase exports of manufactures; however, those efforts had not as yet had the desired results.

Article 6: The right to work

141. Some members of the Committee asked whether the right to work was recognized in Jamaican legislation. Noting that, according to available statistics, women suffered from the highest rate of unemployment, they asked what was the total number of women without work, whether specific programmes had been drawn up to tackle the problem, and what measures had been taken to prevent employers from assigning women to part-time work in order to evade unemployment laws. They also requested clarification of what was stated in the report to the effect that the unemployment problem would be partially solved by emigration, and in that connection asked whether the brain drain was regarded as a benefit for the economy or a problem, and what steps had been taken to prevent the emigration of skilled labourers. It was also asked what criteria were used by Jamaica to apply the ILO Equal Remuneration Convention, 1951 (Convention No. 100). Information was also requested concerning the human resources development programme and, specifically, its financing, persons who could benefit from it and the tripartite consultations, if any, that had led up to its formulation and application. It was also asked what percentage of the active population was at present unemployed, whether measures had been taken to ensure full employment and whether there were any programmes that guaranteed a minimum standard of living to persons who were without work for reasons beyond their control.

142. In reply, the representative of the State party explained that although the right to work was not expressly recognized in Jamaican legislation, all Jamaicans had the right to earn a living by doing a job they had freely chosen. She added that the unemployment rate for women had risen to 28 per cent in February 1989 and that women doing domestic work were included

in official labour statistics. The brain drain was a serious problem that the Government was trying to tackle by increasing wages, improving working conditions and reforming the administration.

143. She explained that equal pay for equal work was guaranteed by the law of 1975, that the unemployment rate for the population of working age in 1988 had been 18.9 per cent (including persons who were not seeking employment), that a five-year development plan covering the entire economy and designed to improve the employment situation was being drawn up, and that benefits were payable under the law, depending on the number of years worked by persons who lost their jobs for reasons beyond their control. The purpose of the human resources development programme was to improve the efficiency and management of social services by concentrating on the most disadvantaged social sectors. The programme, whose cost for the period 1989-1994 was estimated at $381 million, had been initiated by the authorities and had not been the subject of tripartite consultations.

Article 7: The right to just and favourable conditions of work

144. Some members of the Committee requested information on working conditions in the "free zones". They also asked whether wages there were lower and whether attempts were made more frequently to evade work safety and maternity protection provisions. Noting that workplaces were inspected once a year, they asked whether employers were informed in advance of such inspections, what penalties could be imposed in the event of the violation of regulations and whether workers could report unsafe working conditions during the period between such inspections and without fear of reprisals on the part of the employer.

145. It was also asked what was the percentage of the Jamaican population to which collective agreements and minimum wage legislation was applicable, whether such legislation was drawn up as a result of tripartite consultations and to what extent workers and employers participated, through their respective organizations, in the decision-making process.

146. In reply, the representative of the State party explained that the free zones were administered by public bodies set up specifically for the purpose. Inspectors from the Ministry of Labour prepared quarterly reports on working conditions in factories situated in those zones, and any steps necessary to improve working conditions could be taken on the basis of those reports. Wages in the zones were not lower than those in the rest of the country.

147. Replying to other questions, she said that employers were not informed in advance of the quarterly inspections of workplaces and that workers who felt that safety conditions in their workplace were not being respected could, during the period between inspections, draw the matter to the attention of the Ministry of Labour, which would then take any measures that might be required. Article 23 of the Constitution expressly recognized the right of workers to be represented by trade unions. Although enjoyment of that right had been restricted in the case of civil servants and members of the armed

forces and the police, in practice State employees were free to enter into negotiations concerning their working conditions through representative organizations. Generally speaking, there was no special machinery designed to associate workers with the decision-making process, although in a pluralist society such as Jamaica's the workers were in a position to gain acceptance of their views. A national advisory commission consisting of representatives of the administration, the private sector and trade unions was responsible for providing the competent Minister with advice on how the minimum wage should be calculated.

Article 8: Trade union rights

148. Members of the Committee requested information on the situation concerning trade union rights and the right to strike in the free zones and on the measures taken to guarantee the right of everyone to join the trade union of his choice and the right to strike, as well as to prevent workers from being dismissed or threatened for striking, etc., while at the same time coping with the economic crisis. In addition, clarification was requested of the distinction drawn in the report between the right to strike and freedom to strike and, in particular, it was asked what measures were being taken to integrate the right to strike as guaranteed under article 8 of the Covenant in Jamaican legislation and whether there were collective bargaining mechanisms enabling workers to strike. Statistical information was also requested concerning the extent of trade union membership in Jamaica.

149. In her reply, the representative of the State party emphasized that both the Constitution and the legislation of Jamaica allowed workers to join the trade union of their choice. The labour legislation provided only for the freedom to strike, but no worker in the free zones had been dismissed or threatened for striking. Concerning the exercise of the right to strike, she pointed out that the Jamaican courts held that if an employee in exercise of his right to strike refused to provide the services he had undertaken to supply under his contract of employment, his employer was entitled to treat such action as a case of breach of contract. That practice should be seen in the specific context of Jamaica, where the practice of collective bargaining was very widespread and where employees were defended by very active trade union organizations.

Article 9: The right to social security

150. Members of the Committee wished to know why only 0.3 per cent of GNP was spent on social security, what was the relationship between social security benefits and the cost of living in Jamaica and what steps were being taken to extend the coverage of the social security system, which was limited to 27 per cent of the population in respect of old age, invalidity and labour accidents. Additionally, further information was sought on the Government's arrangements for monitoring the social welfare situation and on the role of the Planning Institute of Jamaica in that regard. Noting the high life

expectancy in Jamaica, members also wished to have a breakdown of the figures by sex and inquired, in this respect, what proportion of persons over 65 years old did not enjoy pensions rights.

151. Replying to the questions raised, the representative of the State party emphasized that the small percentage of GNP spent on social security was explained by the magnitude of the economic crisis faced by Jamaica during the 1980s. Agreements reached with the international financial institutions had led to a reduction in budgetary expenditures and, consequently, a decline in appropriations for social services. At the same time, the five-year development plan called for increased coverage and improvements in the social security system. In 1987, 7.3 per cent of the Jamaican population had been aged over 65 years, the age at which women became entitled to a pension, men having to wait until they were 67.

Article 10: Protection of the family, mothers and children

152. Members of the Committee requested detailed information on the means employed to carry out family planning policies and programmes, as well as the effects of the large number of children born out of wedlock and of families deserted by fathers on the enjoyment of the rights set forth in article 10. Additionally, it was asked whether working children and adolescents received a minimum wage, whether a maximum number of working hours had been set for this age group, and whether it was prohibited for children to undertake certain jobs. Clarification was also sought of the concept of "family" as applied in the Jamaican report and, in this regard, further information was requested on divorce, separation and their causes, on couples living together out of wedlock, and on whether there was any civil marriage law applicable to all cultures, creeds and denominations, in particular in the event of a mixed marriage. In this regard, it was asked whether the woman had the same rights as her husband with respect to their children and whether she was free to administer her own assets. Lastly, it was asked whether there were any differences in the status and rights of children born in and out of wedlock, whether special measures were taken to provide care and education for physically, mentally and socially handicapped children, and what measures were being taken to combat juvenile delinquency.

153. In her reply, the representative of the State party said that the Government's population policy was aimed at improving the people's standard of living while at the same time limiting population growth, and thus at ensuring satisfactory economic and social development. In that context, family planning programmes had an important role to play especially in respect of information and education. The National Family Planning Board, in addition to its activities in that area, had been given the task of training staff to advise families. She added that more than 370 clinics throughout the country were providing clinical and surgical care, distributing contraceptives and offering medical advice. Referring to the questions raised with regard to the family and marriage, she said that cohabitation was very widespread in Jamaica but that it was impossible to quantify its extent; while cohabitation did not confer on the two parties the same rights as a legal marriage, children born

from such unions had, under the Status of Children's Act, the same rights as those conceived in a legal marriage. Annulment of a marriage was pronounced by the Supreme Court, irremedial breakdown of the conjugal relationship followed by a separation of at least one year constituted the only grounds for divorce, and the civil marriage law applied to all.

Article 11: The right to an adequate standard of living

154. Members of the Committee asked which population groups were the most affected by the economic austerity measures and what efforts were being made to mitigate their adverse effects, whether data were available for measuring the quality of life of the middle and lower classes and whether statistics were available on income distribution in Jamaica, whether the food aid programme described in the report was reaching the rural population, and whether the target population of one million people had been assisted by that programme. Concerning the right to housing, members observed that, according to reports, the majority of urban dwellers lived in a single room and, in that regard, requested further information about the housing situation in Jamaican urban areas and about the steps taken to resolve the problem. They also wished to obtain more information on the implementation of the 1987 shelter strategy; on the extent to which funds at the disposal of the National Housing Trust had actually been used for low-income housing; on the distribution of relief money for shelter reconstruction following Hurricane Gilbert; on the effect of the new rent act on the construction of new rental space; on the percentage of households renting accommodation at rates higher than those allowed under the act; on the size of the squatter population in Kingston, Montego Bay, Ocho Ríos and Negril; on the steps taken to provide adequate shelter and sanitation for labour engaged by the tourist industry on the North Coast; on how the Government dealt with the needs of female-headed households in its shelter strategy; and on how the system of protection against eviction worked in actual practice.

155. In addition, some members pointed out that according to a UNICEF study there had been, following the adoption of the austerity programme, a decline in the quality and quantity of public services, including health, education, housing and water supplies and that the cost of those services had risen. In this regard, clarification was requested of the impact of the Government's Food Aid Programme on this situation and it was asked whether specific measures had been taken to combat malnutrition.

156. In reply, the representative of the State party described the groups most affected by the economic austerity measures and outlined the objectives of the human resources development programme. These were to improve the efficiency and management of social services, to extend food programmes intended for the most vulnerable groups, to create jobs, to provide teaching materials for children in primary schools, to grant loans to small farmers and to provide solutions to the housing problem. Replying to other questions, she pointed out that poverty was greater in rural areas than in urban areas, that a large

proportion of the population suffered from malnutrition and that the food aid programme covered one million persons, 600,000 persons receiving food coupons and 400,000 pupils being supported under the school food programme.

157. Referring to the questions raised in connection with the right to housing, she drew attention to the serious problems which Jamaica was facing. In 1986, for example, 121,000 housing units had no running water or sanitation and 26,000 were non-upgradable. Existing units, moreover, were overcrowded. To deal with those problems, 2,803 housing units had already been renovated in 1988 under various housing programmes and the five-year plan called for the renovation of 3,000 units per year and the provision of 2,500 sanitary installations. The Government's policy in that regard was aimed in particular at creating suitable market conditions, at channelling capital into the housing sector to increase the supply, and at speeding up renovation of the housing stock, giving priority to low-income groups. She added that roughly 77 per cent of National Housing Trust loans had been granted to low-income groups.

158. She went on to explain that relief money for shelter reconstruction following Hurricane Gilbert had gone as a matter of priority to meet the needs of victims with the lowest incomes. The squatter population had increased substantially, and it seemed likely that a large number of households had moved between 1970 and 1986 into unauthorized accommodations. The policy was to allow squatters to use land and basic infrastructures and, to the extent possible, not to remove occupants from the districts concerned.

159. Referring to the effects of the austerity measures on the food aid programme, she said that poverty was indeed more widespread in rural areas than in urban areas, but that an extended family structure providing food and shelter to the needy was helping to mitigate that problem. The total amount of food aid was therefore not the only indicator of the nutritional status of the population.

Article 12: Right to physical and mental health

160. Members of the Committee asked what measures were being taken or contemplated to counter the current decline of social, and particularly health, services. Noting that farmers and the rest of the rural population did not appear to have adequate access to a clean water supply, they also requested information on the measures taken in that regard, as well as statistics on the health of the rural population. Additionally, it was asked whether there had been any significant increase in recent years in the number of reported AIDS cases and whether specific legislation had been adopted to prohibit discrimination against individuals suffering from this disease. Noting the widespread tendency in Jamaican popular music to glorify the consumption of drugs, it was asked what impact it had on Jamaican society, and what measures had been taken to combat drug consumption and whether there was a trend towards toleration, or even legalization of drug consumption.

161. In her reply, the representative of the State party described the various measures taken to counter the decline in the quality of health services, which included the renovation or construction of hospitals and clinics, the upgrading of local health services programmes, improved distribution of medicines, and the setting up of a national fund to administer and maintain the assets, buildings and equipment of the Ministry of Health. In addition, priority projects financed by donor organizations had been implemented in order to improve the drinking water supply of the rural population. The Government had also initiated a human resources development programme to combat poverty.

162. Replying to the question on AIDS, she explained that 140 cases had been reported by the end of November 1989. However, the authorities were not contemplating specific legislation in that regard, preferring to inform people and encourage them to show understanding towards those suffering from the disease. No discrimination against AIDS sufferers had been reported.

163. In reply to other questions, she emphasized that reggae was an important element of Jamaican culture and that it had always been an extremely positive influence. In a society where everyone was assured freedom of expression, some performers had personally advocated the use of drugs but that in no way detracted from the firm commitment of the authorities and the people to combat that scourge.

Articles 13 and 14: The right to education

164. Noting that UNESCO statistics placed the literacy rate at 75 per cent in Jamaica, a drop from the 1970s, members of the Committee asked why the Jamaican Movement for the Advancement of Literacy (JAMAL) had had to reduce its staff, what measures were envisaged to meet educational needs, and what sector of the population suffered from the highest rate of illiteracy. They also asked to what extent the principle of compulsory and free primary education was being implemented in actual practice. In addition, further information was sought concerning the assistance provided to persons who could not afford to attend primary and secondary school or university, on the percentage of female teachers and pupils at the primary, secondary and university levels, and on any special programmes designed to assist women in their education, thereby enhancing their employment prospects.

165. In her reply, the representative said that the illiteracy rate had been 18.02 per cent in 1987, the highest rates occurring in the 50-54 and 60-64 age groups. The law made school attendance compulsory and, during the 1987/1988 school year, 98 per cent of children aged 6 to 11 years had been enrolled in primary schools, 97.3 per cent of them being in free public schools. However, it was to be noted that despite efforts by the authorities, those children actually attending school represented only between 67 and 78 per cent of the total number enrolled.

Article 15: The right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

166. With regard to that issue, members of the Committee wished to receive information on any measure taken to implement the recommendations of the Exploratory Committee on the Arts and Culture, created in 1972, which related to the improvement of the cultural awareness of Jamaicans. Additionally, it was inquired what efforts were being made to ensure that culture was accessible to the population at large, whether theatre, music and museums were publicly subsidized, whether the resources of the media were being used to disseminate the heritage of local culture or whether they relied primarily on imported material, and whether measures had been taken to encourage the search for the nation's cultural roots.

167. In her reply, the representative said that some African elements were to be found, to varying degrees, in the nation's culture and that cultural exchanges took place with various African countries.

Concluding observations

168. Following consideration of the Jamaican reports, the Committee thanked the delegation for having answered many of the questions raised by members of the Committee and commended the Government on its activities relating to the dissemination of information on human rights. It was, however, felt that some further details should be given and that gaps still had to be filled with respect to some questions raised during the discussion. In that connection, the Committee looked forward with interest to the further information the representative of Jamaica had promised to provide in writing. As concerned specific issues raised during consideration of the reports, it was observed that the country had been struck by economic recession and that it was the poorest segment of the population that had been most severely affected by the measures the Government had been forced to take. In this regard, it was observed that the Government had made strenuous efforts to mitigate the adverse consequences but that they had succeeded only marginally. It was emphasized that it was precisely during such periods that those groups should be given most protection. It was also observed that individuals and groups appeared not to enjoy fully the rights to organize, to collective bargaining and to strike. In this connection the attention of the Government was drawn to the desirability of further developing the law with respect to the right to strike. Lastly, it was recalled that although freedom of expression was a fundamental right, restrictions on that freedom in the interest of public order, public health or morals were permitted under article 19 (3) of the International Covenant on Civil and Political Rights and that such restrictions might be contemplated if necessary in the fight against drug abuse.

Colombia (arts. 10-12)

169. The Committee considered the second periodic report of Colombia concerning rights covered by articles 10 to 12 of the Covenant (E/1986/4/Add.25) at its 12th to 14th and 17th meetings, on 23 to 25 January 1990 (E/C.12/1990/SR.12-14 and 17).

170. In his introduction, the representative of the State party said that despite the economic and social difficulties it had been faced with for a number of years, Colombia was pushing ahead with its development. A cautious economic policy had enabled it to cope with the external debt problem, and thanks to a positive growth rate it had been able to make progress with its social policy.

171. In 1986 the present Government had drawn up a general Plan for the Social Economy comprising three sectoral plans: the National Rehabilitation Plan, the Plan for the Elimination of Absolute Poverty and the Comprehensive Rural Development Plan. The Government had set up three bodies to carry out those plans: the Council for Social Development, the Council for Reconciliation, Normalization and Rehabilitation and the Council for the Defence, Protection and Promotion of Human Rights.

172. He then went on to give an account of the activities of the Colombian Family Welfare Institute, which was concerned among other things with protecting minors and running a system of day-care centres. To protect minors against economic exploitation, Colombia had Act No. 20 of 1982 and the Minors Code, which had been introduced in November 1989. He also described the programmes under the Plan for the Elimination of Absolute Poverty and the government programme of low-cost housing construction and subsidies, which was a means of preventing the growth of slums.

173. The representative said that about 350,000 agricultural producers received economic aid and low-interest credits under the Comprehensive Rural Development Plan. The Agricultural Marketing Institute regularized the market in foodstuffs. He added that the 1961 Agrarian Reform Act had not yielded all the expected results and that the total area of land distributed to peasants had been much lower than planned. Act No. 30 of 1988 had been designed to remedy that situation by turning smallholders into full-fledged owners. The Government was also endeavouring to improve agricultural productivity and the Colombian Farming Institute was responsible, among other things, for technological development in the sector.

174. The representative went on to say that the Plan for the Elimination of Absolute Poverty included a programme of primary health care, which stressed health promotion and disease prevention. The National Plan to Ensure the Survival and Development of Children was designed to reduce morbidity and mortality among children under five years of age. National vaccination days had recently been organized by the Colombian authorities to give better

protection to as many people as possible. The proportion of children under the age of one vaccinated against tuberculosis and poliomyelitis in 1989 had amounted to about 80 per cent.

General matters

175. With reference to the general framework within which the Covenant was implemented, members of the Committee wished to know how the Covenant was incorporated into the domestic legislation of Colombia, what programmes were implemented using either ODA or international co-operation from United Nations or regional bodies to promote the rights covered by the Covenant, what form international co-operation took, and what had been the percentage contribution of such assistance to the country's development and to the enjoyment of the rights recognized by the Covenant.

176. Members of the Committee wished to know also what the impact of the external debt was on enjoyment of the rights recognized by the Covenant and what the practical repercussions of the Covenant were in the country.

177. In addition, they asked what repercussions the activities of guerrilla and terrorist groups and drug traffickers in Colombia had on the enjoyment of the human rights recognized by the Covenant, what were the repercussions of the drug problem in the country, what were the root causes of the drug trade, and what stage the progress of constitutional reforms mentioned in paragraphs 27 and 28 of the report had reached.

178. In addition, information was requested on cases in which the rights provided by the Covenant had been upheld by the judiciary in Colombia and on the exact place of international instruments in the legal structure of the country. Members of the Committee also made some comments on the problems of guerrilla, terrorism, lack of social equality and drug trafficking that Colombia was facing and which represented its main difficulties in implementing the Covenant. They wondered whether a solution to those problems could be found in an effective agrarian reform and by drawing the attention of countries in which a large consumption of drugs existed to their international responsibility concerning drug trafficking, which undermined a country's social and economic structure.

179. Further information was requested on the budgetary resources allocated to the indigenous communities in Colombia and on their access to the enjoyment of rights contained in the Covenant. A question was raised as to what form "private justice" took in the country and how the Government had reacted to it.

180. The representative of the ILO provided the Committee with information concerning the ratification and implementation of relevant ILO Conventions by Colombia. He referred, in particular, to difficulties encountered by Colombia in complying with some provisions of those instruments and in relation to terrorism and drug trafficking to complaints submitted by workers' organizations which were still on the agenda of the ILO Committee on Freedom of Association.

181. In his reply, the representative stated that international instruments ratified by Colombia were automatically incorporated into its domestic legislation through the adoption of a law to that effect. In both theory and practice, they took precedence over domestic legislation. He went on to describe the international co-operation and aid programmes which were helping Colombia to promote its economic and social development and explained that a number of countries, mostly European ones, had co-operated on child welfare projects. International financial aid covered about half the cost of the country's development operations. The external debt considerably limited investment in development projects, as 35 to 40 per cent of the country's export earnings went to pay off interest and capital on the debt. The International Covenants on Human Rights represented an important stage in the development of political awareness in Colombia and, despite social upheavals, the Colombian authorities continued to be guided by the international commitments made under the Covenants. It remained true that armed opposition movements and the drug traffic were major obstacles hindering the State from guaranteeing human rights. The drug problem, in particular, made itself felt at all levels of Colombia's political life and had a destabilizing effect on its democratic institutions. He also informed the Committee that the constitutional reform project put forward by the Colombian Government in 1987 had been rejected by the Congress in December 1989.

182. He went on to say that economic, social and cultural rights had a legal and constitutional basis in Colombia, but that most of them were too vague for violations to be the subject of criminal proceedings. Regarding the concern expressed by members of the Committee about the serious difficulties Colombia was going through, which might undermine its democratic system and thwart its development, he referred to the efforts being made by his Government, in particular to combat the drug traffic, guerrilla and private-justice groups, social inequality and terrorism. The task of the international community, he said, was essentially to work with his country's authorities in attempting to find ways of remedying the problems in employment, housing, nutrition, health, etc., problems which were common to all third-world countries. He also pointed out that Colombia's external debt was unbalancing its public finances and jeopardizing the full exercise of economic, social and cultural rights in the country.

183. As regards access of indigenous communities to the enjoyment of rights contained in the Covenant, the representative stated that the Division for Indigenous Affairs in the Colombian Ministry of the Interior was the Government department which formulated legislation relating to the indigenous population and monitored its implementation. Specific legislation existed to preserve the cultural identity of the indigenous population. The main problem of indigenous communities in Colombia was that of ensuring access to the land which had originally been held collectively. Even though there were special legal provisions to guarantee the possession of the land to indigenous owners, in practice major landowners could exercise great pressure in remote districts where the government authorities had difficulty in monitoring abuses.

184. The representative also referred to the measures taken by his Government to give practical effect to the commitments it had entered into by ratifying a number of ILO conventions and to find ways of dealing with the violations of trade-union freedoms that had occurred recently.

Article 10: Protection of the family, mothers and children

185. Members of the Committee wished to know whether the Concordat between Colombia and the Holy See mentioned in paragraph 29 of the report had been concluded and, if so, which of its provisions would affect Colombian family law.

186. Additional information was requested on the situation of the indigenous population in Colombia. It was asked, in particular, what criteria were adopted to set the figure for this population at 450,000, how their rights were recognized, what measures had been adopted by the State in connection with article 10 of the Covenant, what practical difficulties had arisen in respect of the indigenous problem and whether indigenous organizations had been consulted in order to prepare the report under consideration.

187. Members of the Committee noted that Colombian legislation recognized the right of adoptive mothers to post-maternity leave and they asked whether fathers also enjoyed this right and whether this right extended to adoptive fathers.

188. It was also asked whether the law recognized a de facto union between two persons with legal capacity to enter into matrimony, what percentage of children below the minimum legal age worked in Colombia, what actions were being taken to ensure greater compliance with child labour laws, what the criteria were for determining which children were eligible for the government-subsidized child care centres and what percentage of eligible children received care at these centres. In addition, members of the Committee wished to know what percentage of pregnant women received assistance under the social security programme, what percentage of employed women were affiliated, in practice, with the social security programme, what percentage of women were employed in the informal sector or worked for employers who disregard social security laws, and at what stage was the joint programme with UNICEF dealing with the problem of street children.

189. In connection with the latter issue, it was asked whether the number of street children had been increased in recent years, for what reasons mothers deserted their children, whether any new initiatives had been taken to deal with the illegal employment of minors and whether statistical data could be made available with regard to the number of prosecutions instituted in recent years and the penalties imposed.

190. It was also asked whether couples married in church could obtain a civil divorce and remarry under civil law and whether statistical data could be made available on the marriage and divorce rate and on fertility and mortality rates. Information on any future revision of the Concordat between Colombia and the Holy See was also requested.

191. In his reply, the representative explained that the Concordat between Colombia and the Holy See, which had the status of an international treaty, dated back to the nineteenth century, but had been revised in 1974. The Colombian Government now wanted in particular to reform the marriage system under the Concordat. He then explained the method used in counting the numbers of indigenous peoples, which was based on three criteria - racial, cultural and geographical. Carrying out a census among the indigenous peoples was a difficult matter, and the figure given in the report was an approximate one.

192. Furthermore, the representative stated that fathers and adoptive fathers in Colombia did not enjoy the right to post-maternity leave. Informal unions between two persons with legal capacity to enter into matrimony had been recently brought into line with legal unions in respect of social security benefits.

193. It was estimated that in 1986 between 2 and 3 million children under 10 years of age had been working under unacceptable conditions. The monitoring of compliance with child labour laws was the responsibility of the Colombian Ministry of Labour, acting through the labour inspectors and in conjunction with juveniles' judges, but much remained to be done in practice. As regards admission to child care centres, absolute priority was given to children from very poor families whose mothers worked every day. Eight hundred thousand children under the age of seven benefited from the programme. Moreover, all enterprises with a capital of over one million pesos were under the obligation to enrol their employees in the social security programme, which covered the private sector. Workers in the public sector were covered by the National Social Welfare Fund. Thirty per cent of the working population were enrolled in the national social security programme. Between 30 and 40 per cent of the labour force worked in the informal sector. The UNICEF programme for street children was continuing and the Government had launched an information campaign concerning rehabilitation centres.

194. One of the main causes of the street-children phenomenon was the decline of the family unit among the poorest sections of the population. The Colombian Family Welfare Institute was endeavouring to combat family instability and the abandonment of children, which was connected with the problem of unemployment in the big towns. The representative also explained that Colombian law recognized civil marriage and permitted divorce, but that marriages contracted according to Catholic rites could not be dissolved by the State because of the obligations entered into under the Concordat. Fertility and mortality had declined in Colombia, together with the rate of population growth.

Article 11: Right to an adequate standard of living

195. Members of the Committee wished to know what percentage of the population was adequately housed, what was the average number of persons occupying a dwelling, what the housing situation was in rural areas in comparison with the various urban socio-economic strata, what policy had been followed to guarantee the right to clothing, how food resources were distributed, what was the housing situation of indigenous groups, and what differences there were between the rural and urban population as regards enjoyment of the rights laid down in article 11 of the Covenant.

196. In addition, they wished to know what specific actions were being taken to combat malnutrition and, in particular, what were the methods, not the goals, of anti-poverty programmes, what progress had been made on the planned food voucher system, what was the current percentage of Colombian citizens living in inadequate housing or without any housing at all, why the housing programmes listed under the Plan for the Elimination of Absolute Poverty concentrated on urban housing, whether it was because the National Rehabilitation Plan was expected to solve rural housing shortages, and what was being done about the large squatter settlement located on the outskirts of Bogotá.

197. Members of the Committee noted from the report that regions were chosen for inclusion in the National Rehabilitation Plan for several reasons, including importance to national development. They asked in this connection whether there were any extremely impoverished regions which were not included in the Plan because they were not sufficiently important to national development. They also asked what was being done at its roots to curb the phenomenon of movement to the cities with all its adverse consequences, i.e. by consistent implementation of the agrarian reform.

198. Further information was requested on the proportion of the national budget allocated to alleviating poverty, on funds made available to public hospitals and on the specific issue of communal ownership. It was also asked what statistics were used by the Colombian Government in determining who was in the category of absolute poverty.

199. It was asked whether replies could be provided to a number of observations and questions concerning the right to housing which had been formulated by Colombian non-governmental organizations and brought to the attention of members of the Committee.

200. In his reply, the representative stated that about 60 per cent of the population in Colombia could be deemed to have adequate housing in respect of water supply, electricity and sewage. The average number of persons occupying a dwelling was five. Housing conditions tended to be better in the countryside than in the major cities in view of the rural exodus. The problem was rather to improve sub-standard housing. The housing programmes were divided between the Plan for the Elimination of Absolute Poverty and the

National Rehabilitation Plan. As regarded clothing, a provision in the Labour Code required employers to provide lower-paid workers with a uniform every three months. Municipalities and child-care centres had their own food plans and programmes to combat malnutrition, however a high percentage of undernourished children still existed in Colombia. The problem of the large squatter settlement located on the outskirts of Bogotá was being addressed through direct action as well as through low-interest credit schemes run by the central and the municipal governments with the participation of national institutes. The National Rehabilitation Plan dealt with areas that were suffering as a result of social upheavals. The criterion for inclusion in the Plan was based on difficulties experienced by an area in the wake of violence of the previous 20 to 25 years. As regarded agrarian reform, it was noted that it should not be seen simply in terms of legislation intended to minimize the rural emigration problem, but as a comprehensive modernization programme in the agrarian sector.

201. In Colombia, as in other countries, the tax system was designed to create greater social justice and, apart from the State, there were a whole series of voluntary organizations active in providing basic social services for those who were worst off. The expression "absolute poverty" referred to the case of persons whose income was below the minimum wage and who had difficulty in getting access to basic services. The idea of "communal ownership" which it was proposed to introduce in the Colombian Constitution meant collective ownership, coming somewhere between public ownership and ownership by private individuals. The representative stated that the list of issues relating to the right to housing raised by non-governmental organizations had been transmitted to the competent Colombian authorities.

Article 12: Right to physical and mental health

202. Members of the Committee wished to know how many doctors there were in Colombia per 10,000 inhabitants, whether there was any government policy to bring the purchase of medicine within the reach of the economically underprivileged sectors, what successes and hurdles had been met with as regards enjoyment of the right to health, what differences there were in the level of enjoyment of this right between urban and rural areas, and what progress Colombia had made in eliminating the 10 health problems which according to its initial report (E/1986/3/Add.3), submitted in 1986, were its main targets for eradication.

203. They also asked what medical assistance was available to low-income women besides medical assistance through social security, what percentage of pregnant women received pre-natal care and delivered their children with qualified assistance, why the Basic Health for All Programme and other anti-poverty programmes had been so ineffective in dealing with widespread malnutrition, what measures were being taken to deal with people that were already addicted to drugs, whether any measures had been taken to deal specifically with the threat posed by basuco, what measures were being taken to improve compliance with worker safety and hygiene regulations and to what extent compliance had improved in the last few years. It was noted from the

report that a number of programmes existed to deal with drug addiction but that these programmes lacked co-ordination, and it was asked what measures had been taken to improve co-ordination.

204. It appeared also, that even in emergency cases hopitals were prepared to grant medical help only if payment was secured within four days, and it was asked whether the Government was taking any steps to eliminate these practices.

205. In addition, it was asked what was the difference between the general system of social security and the social security fund, what protection was provided to workers in the informal economy in case of accident, whether the wives of working men had the same right to pre-natal and natal care as working mothers, whether workers had access to free emergency medical assistance, what the results were of the research on a malaria vaccine, what was being done to solve the problem of the lack of rotation of health workers who were concentrated in the three major cities of Colombia, whether different views had been expressed in the country with regard to the opposition to abortion of the Government and the Catholic Church, whether there was any incidence of AIDS in Colombia and whether there had been instances of discrimination against people affected by that illness.

206. In his reply, the representative stated that the ratio of doctors to inhabitants in Colombia was 10 doctors per 10,000 inhabitants. Health services were mostly concentrated in the large cities. A scheme had been introduced to bring medicine within the reach of the economically underprivileged sectors of the population by establishing pharmacies in remote areas of the country which supplied some 45 basic drugs subsidized at a rate of 40 to 50 per cent. Statistics showed a decrease of some diseases, training of health personnel had improved over the years and health centres managed by the Ministry of Health had been decentralized. Differences in the level of enjoyment of the right to health between urban and rural areas were still considerable, but the gap was narrowing. Twenty per cent of the population, basically in rural areas, still had no regular access to medical care. The main targets for the eradication of health problems in Colombia included the increase in the number of doctors and health services and proper vaccination programmes for infants. In addition to social security, private agencies known as "family compensation funds" (cajas de compensación familia) administered the funds that enterprises were required by Colombian law to provide, to subsidize the families of their employees. They also had insurance schemes providing services to their members and to their families, including women with low incomes. Self-employed women were recently allowed to make contributions to the Colombian Social Security Institute. Pre-natal care for pregnant women was provided under the existing schemes. Some failures of the programmes established to deal with widespread malnutrition in Colombia had been compensated by some achievements, especially in providing services to the least privileged.

207. As regards measures to deal with people addicted to drugs, the representative explained the background of the phenomenon of drug addiction in his country, which was relatively recent. He stated that the Colombian

Government had taken measures such as drug abuse prevention campaigns and the establishment of rehabilitation centres. Statistics suggested that some 100,000 persons were suffering from drug-related social and health problems. Drug consumption currently remained a criminal offence. The authorities were waging an all-out war with a view to eliminating the drug trade. Specific measures to deal with basuco included prevention and publicity campaigns aimed at alerting families and young people to the dangers of a drug more toxic than cocaine.

208. The representative also stated that the measures taken to improve compliance with workers' safety and hygiene regulations were monitored by the Ministry of Health, but the Ministry, despite its efforts, was unable to guarantee full compliance. In addition, every effort was being made to centralize the administration of activities relating to the campaign against drug abuse. As regards access to medical help in emergency cases, a recent decree made it obligatory for all health centres, both public and private, to accept emergency cases regardless of the patient's capacity to pay.

209. The representative added that progress had been made in developing a synthetic malaria vaccine but that it was still in the experimental stage. Abortion was forbidden at present under Colombian law, but in practice efforts were made to permit it for therapeutic purposes in order to avoid clandestine abortions, of which there were a great many. Health accounted for between 15 and 20 per cent of the national budget.

210. In conclusion, he said that he would inform his Government of the desire expressed by the Committee to receive further information on some points raised during consideration of the report.

Concluding observations

211. The members of the Committee thanked the representative for the information provided by the Government of Colombia in its second periodic report and the additional information provided during the discussion. It showed that violence, drug trafficking and external indebtedness had limited, but not halted, progress in the enjoyment of human rights in Colombia. However, the view was expressed that the report was not sufficiently wide-ranging. Some of the written and oral information provided was said to have been of an excessively general or descriptive nature, as a result of which the Committee could not have a full picture of the realities of the country. They noted that a country's poverty could not exempt it from its responsibilities under the Covenant. They expressed the wish that more precise and detailed answers should be given to some of the questions they had raised during the consideration of the report. Such information should be provided, in particular, with regard to some of the questions which had remained unanswered, relating to issues such as the role and activities of the paramilitary groups, the protection of workers in the informal sector and the progress made in providing social security.

India (arts. 13-15)

212. The initial report of India on the rights covered in articles 13 to 15 of the Covenant (E/1988/5/Add.5) was considered by the Committee at its 16th, 17th and 19th meetings, held on 25 and 26 January 1990 (E/C.12/1989/SR.16, 17 and 19).

213. The report was introduced by the representative of the State party who referred, in particular, to the constitutional provisions of his country which guaranteed the right of everyone to education, and provided for instructions at primary level in mother tongues or where necessary in minority tongues. He stated that a new educational policy put into effect in 1986 ensured that all students had access to education of the same quality, through a common educational system which aimed at promoting such values as the cultural heritage of India, egalitarianism, democracy, secularity, equality of sexes, suppression of social barriers, family planning and inculcation of scientific spirit.

214. With regard to the campaign against illiteracy, he said that the Indian Government had decided to launch a campaign to provide 80 million people with instruction in functional literacy by 1995.

General matters

215. With regard to the general framework within which the Covenant was implemented, members of the Committee wished to be informed of the general features of India's demographic profile, with particular reference to the young generation, races, social classes, the caste system, the national income, the educational system, the national budget for education. Statistical data were also requested on the above points.

216. In reply, the representative of the State party gave the following demographic data: females 48 per cent of the total population; scheduled castes and scheduled tribes 24 per cent; age group of 5-14, 180 million, that is 27 per cent; age group of 15-35, 215 million, that is 32 per cent; young persons thus constituted 60 per cent of the whole population. With regard to literacy, he gave the following statistical data: 47 per cent for males and 25 per cent for females. It was expected that in 1990 the total population would be in the order 820,580,000 inhabitants, of which 129,200,000 would relate to the scheduled castes and 58,070,000 to scheduled tribes.

217. He stated that if Assam, for which no figures were available, was excluded, the division of the population, according to religious beliefs would be the following: Hindus, 82.63 per cent; Muslims, 11.36 per cent; Christians, 2.43 per cent; Sikhs, 1.96 per cent and Buddhists, 0.71 per cent.

218. He added that, taking into account the millions of primary schools in India and the difficulty in centralizing the data, the rate of drop-outs was quite high: 50.5 per cent during the first five years and 63.8 per cent

during the first eight years. The national budget for education was 85 per cent public funds, and 15 per cent private funds, which hardly represented 3 per cent of the GNP, but it was hoped that it would pass 6 per cent.

Articles 13 and 14: Right to education

219. Members of the Committee wanted to know whether the recognition of castes implied the legal affirmation of discrimination based on social origin in India, and to what extent was equality of access to education guaranteed for the children from those castes. Further information was requested concerning the difficulties confronted, such as the caste system, and other traditional social systems and attitudes, in implementing the right of everyone to education. Information was also sought concerning illiteracy in India, for example, the link between illiteracy and social class, family income, etc.; a breakdown of illiteracy by gender, by generation and urban/rural was requested. Members of the Committee asked to be provided with the percentage of the population enrolled by each grade in elementary, secondary and tertiary education; and whether real progress had been made in providing free and compulsory education at the primary and secondary levels. Statistical data were requested, disaggregating, in particular, urban and rural, regional, racial and caste.

220. Information was sought on the financial implications of secondary and tertiary education by comparing the cost to average family income. The members asked to be informed of the governmental programme for the promotion of the right to education of lower social classes, other than the scheduled castes and scheduled tribes; and to what degree the States made primary education compulsory. The members observed that, according to many sources, disparity of access to educational opportunities between the poor and the rich was growing in India, and in that regard wished to know what measures was the Indian Government actually taking to combat that trend. It was asked to what degree was there, in reality, in Indian higher education, a two-tier system, in the sense of one system being available to the common people and a more advanced one to the élite. And it was asked whether the Indian Government had considered limiting the role of the private sector in education, in view of what the Committee considered the waste of resources and the political patronage involved.

221. Members of the Committee asked the representative of the reporting State to explain the Government textbook requirements and the impact they had on teaching methods. The Committee wanted to know whether the concern that the Government might intend to dilute the contents of article 45 of the Indian Constitution by possibly providing free education only up to the age of 12 and relaxing the requirement of compulsory education was justified. Information was sought on operation "Blackboard" and whether in the meantime it had been completed. Further information was also requested on the development of Navodaya Vidyalayas, the percentage of girls actually enrolled, and whether that programme had led to further inequality between the primary school facilities available by channelling scarce resources away from regular schools.

222. With regard to the provisions of article 30 of the Constitution of India, which provided to all minorities, whether religious or linguistic, the fundamental right to establish and administer educational institutions of their choice, it was asked whether the application of that provision would not lead to difficulties, especially in States where there was a Muslim majority. A member asked whether public education was totally secular. Information was also requested concerning copyrights and patents, whether there was case-law on the subject or whether copyrights and patents were handled simply by administrative tribunals.

223. Lastly, it was asked what was the specific percentage participation in the educational system by the various castes and tribes, and also what punishment under criminal law was applicable to persons violating the right of "untouchables" to equality, a right guaranteed by the Constitution.

224. In reply, the representative of the reporting State stated that discrimination based on social origin was prohibited by several provisions of the Constitution and by law. A Commissioner for Scheduled Castes and Scheduled Tribes was responsible for investigating all matters relating to the rights of such castes and tribes and reporting thereon to the President and to Parliament. The Commissioner would soon benefit from the assistance of a National Commission for Scheduled Castes and Schedules Tribes. A special parliamentary commission supervised the application of the constitutional guarantees concerning the scheduled castes and scheduled tribes. He stated that untouchables had been abolished by the Constitution; however, he admitted that it was one thing to promulgate a prohibition and another thing to apply the law effectively. It was noted that in most cases cultural backwardness generally went hand in hand with economic backwardness; it was thus on the latter that efforts should be placed.

225. Concerning the compulsory nature of primary education, he said that laws had been enacted, but the Committee would no doubt acknowledge that it was difficult to prosecute parents who failed to send their children to school. The Government had launched many programmes to try to close the gap between rich and poor.

226. In response to the question of freedom of teaching in a multi-cultural society like India, the representative of the State party said that freedom of teaching was total and without reservations. For example, in a school establishment wholly financed by the Government, it was not allowed to give religious instruction; on the other hand, in those school establishments partially financed by the Government, religious instruction was authorized, on condition that the students and the parents did not oppose it. Education in India was thus totally secular. He further stated that the National Council for Educational Research and Training was currently concerned with the establishment of teaching models and writing school manuals; and those manuals played an important role in combating obscuratism and religious fanaticism by placing the emphasis on the history of India and on the conception of non-violence preached by Gandhi. The Council also screened the old school

manuals in order to remove any element that could hurt the sensibility of a particular group or community. The specialists charged with writing those school manuals came from all the regions of India.

227. With regard to the question on the existence of a two-tier system in higher education in India, he admitted that it could be said that there were inequalities between the public sector and the private sector, although that situation was not by design. He stated that graduates of Indian institutes of higher learning were highly thought of and managed to obtain posts of high responsibility; as a result the fees at such institutes were very high. He said that only 5 per cent of the students at such institutes of higher learning came from families with modest income and 95 per cent came from rich families. Measures had been taken by the Government to eliminate such inequalities and in time more equality would be established in the field of education.

228. In response to the questions on operation "Blackboard", he stated that the programme was to provide schools with a basic infrastructure, in terms of both additional teaching staff and more adequte premises; the programme also aimed at providing minimum non-formal education to children who work; the Navodaya Vidyalayas scheme was to provide good quality education for talented rural children; and the programme provided also for a national literacy campaign. Once the requirements of the programme had been ascertained, funds from the central Government were directed, via the authorities at State level, to the schools most in need of assistance.

229. He further stated that a sense of fairness and a concern to ensure equality of opportunity in education prevailed in Government policy, which in that regard reflected the attitudes of society at large. A similar concern could be seen in the Government's efforts to bring education within reach of the scheduled tribes. He stated that taking the residential schools in rural areas as an example, experience had shown that differences in religious background and castes in no way constituted an obstacle to social interaction. He said that it was evident from the statistics that participation of girls in secondary and higher education was much lower than was desirable, but his Government was making every effort to redress that imbalance. As regards the "untouchables" he said that legislation to prohibit such discrimination had indeed been enacted. Attitudes in rural areas regarding castes, however, tended to remain conservative and change would only come about through education.

230. In reply to the questions concerning the education of handicapped children, he stated that the Government's policy was increasingly to attempt to keep children in the regular school system, depending on the extent of their disability. That was to help them gain confidence and to become part of the mainstream of Indian life. For that reason the Government had implemented a scheme called "Integral Education for the Disabled", which provided assistance to State Governments primarily for hiring specialized teachers and persons to take the children to and from school. With regard to the question

on copyright and patent law, he said that litigation in all such cases fell within the competence of a statutory body constituted under the law relating to corporations.

Article 15: Right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

231. Members of the Committee wished to know the measures taken by the Indian Government for the preservation of the culture of minority groups, and how the Government harmonized the policy of promoting the official language with the policy of conserving local languages. Members further asked how the Indian Government reconciled the fact that cultural and scientific institutions in India remained under official tutelage and control with the principle of cultural freedom underlined in the report, and to what degree were national institutions for the arts and cultural centres autonomous in fact, particularly in the financial field.

232. In reply, the representative of the State party stated that the Government had enacted laws and directives which governed the functions of minority-managed educational institutions. On the question of promoting the official language parallel to local languages, he said that article 351 of the Indian Constitution provided for the promotion of Hindi as the main means of expression of the composite Indian culture. Several institutions had been established: the Central Institute of Indian Languages, Central Hindi Institute and Rashtriya Sankrit Sansthan. With regard to cultural and scientific institutions, he said that they were not totally financed by the Government and thus had a measure of autonomy; furthermore, under the Societies Registration Act, those institutions were registered as autonomous bodies. As to why few Indian films were exported, he stated that India itself was a vast market. Indian culture was characterized by eroticism, both in literature and in architecture. The presentation of sex in Indian films was often not to foreign taste. For those reasons Indian films were exported mainly to expatriate communities in Africa and the Caribbean.

Concluding observations

233. The Committee expressed its appreciation to the delegation of India for its helpful and constructive attitude and for supplying the Committee with additional information. It was, however, observed that for a country such as India, whose large population and territory, great regional diversity and social disparities aggravated its difficulties in protecting the right to education, descriptions of the provisions of the Constitution and the 1986 National Policy on Education, which took up most of the report, were not sufficient to provide the Committee with an idea of the actual situation regarding education in India. Appreciation was expressed for the statistical information submitted by the representative in response to the list of questions. It was noted that flow charts accompanying the explanation of the division of competence among central, State and local authorities would make the entire system easier to understand.

234. It was said that the policy in the field of education with regard to changing discriminatory attitudes towards the scheduled castes, scheduled tribes and other lower castes and ensuring equal opportunity of education for those groups was unclear. Concerning the difficulties faced by India in enforcing compulsory education, the Committee would appreciate more information on the social difficulties involved and the measures taken to combat them. Finally, with regard to the right to culture, the Committee observed that more attention should be given to preserving the cultural traditions of minorities and to promoting access to cultural life by ordinary people.

Argentina (arts. 13-15)

235. The Committee considered the initial report of Argentina, concerning the rights covered by articles 13 to 15 of the Covenant (E/1988/5/Add.4), at its 18th to 20th meetings, held on 26 and 29 January 1990 (E/CN.4/1990/SR.18-20).

236. In introducing the report, the representative of the State party emphasized the effects of the economic crisis on the promotion and observance of economic, social and cultural rights. The burden of servicing the country's foreign debt had led to an obvious deterioration in the enjoyment of the rights to food, housing, work, health and education. What the Government proposed to do in education was to draw up an educational plan designed to give the people a firm sense of nationhood and involve them in building the nation. The fundamental aims in that field were full realization of each human being's potential and the development of his personality, social progress for the individual, solidarity and social justice, and strengthening of the roles of the family and education. The Government also proposed to organize forms of education for the rural, indigenous and frontier populations corresponding to the different local, provincial and national development plans. As regarded continuous education, an extensive permanent-education service was being set up to eradicate illiteracy and raise the population's cultural level. Efforts were also being made in particular to ensure equality and to widen access to the education system, to ensure equal opportunities, to organize a decentralized school administration allowing for individual regional, provincial and local features, to improve the quality of education and to establish libraries, museums, scientific and cultural centres and clubs for young people.

General matters

237. With regard to the general framework within which the Covenant was applied, members of the Committee wished to know how it had been incorporated into domestic law; what programmes had been undertaken to promote the rights set forth in the Covenant through ODA or multilateral, international co-operation; what repercussions the external debt and the economic crisis had on the enjoyment of the rights recognized in the Covenant; what the impact of the Covenant was in practice; what manifestations of international solidarity there had been since the restoration of democracy in Argentina; what role was played by the aid received through such co-operation in the country's

development and the enjoyment of the rights recognized in the Covenant; and what were the functions of the Under-Secretariats for Human Rights of the Ministry of the Interior and the Ministry of Foreign Affairs. They also asked what means individuals had of asserting their economic, social and cultural rights; if any cases of racial or religious discrimination had already been brought before the courts; how the national wealth was distributed; what measures were being taken to ensure that 12 million Argentines did not live below the poverty line; and what percentage of the gross national product was spent on education and culture. Finally, information was requested on the problem of the sale of and traffic in children.

238. The representative for UNESCO informed the Committee about joint educational projects by Argentina and UNESCO.

239. In her reply, the representative of the State party drew attention to a series of activities set up with the aid of UNESCO and other international organizations in support of the national education policy. She also stated that 11 per cent of the total international co-operation received by Argentina for development purposes had been allocated to education and culture. The Under-Secretariat for Human Rights in the Ministry of the Interior had been established to collect all possible information on persons who had disappeared or had been tortured or threatened under the military régime, to collaborate with the judicial authorities bringing to trial members of the armed forces who had violated human rights during that period, to spread information on the implementation of all the international instruments on human rights ratified by Argentina and to bring children who had been taken abroad back to the country. The Under-Secretariat for Human Rights in the Ministry of Foreign Affairs was concerned more particularly with promoting human rights and organizing seminars to inform the population about the rights stated in the international instruments on human rights.

240. Referring to the foreign debt burden, she said that it was very difficult in such circumstances to ensure full enjoyment of economic, social and cultural rights. She added that the bulk of the economic aid received came from international organizations and that Argentina did not receive international solidarity from the most developed nations in accordance with the provisions of article 2, paragraph 1, of the Covenant, further efforts being required to rectify that situation. Furthermore, she emphasized that under the military Government, as a consequence of the economic crisis, unscrupulous financial activities had begun to develop, leading to the enrichment of a small number to the detriment of the rest. Serious measures had, however, been introduced by the Government in an attempt to restore the traditional situation. With regard to extreme poverty, she emphasized that a "Plan Alimentario Nacional" (PAN) had been implemented, with food distribution to the neediest every two weeks. Furthermore, a complement to the PAN called the "solidarity voucher" had been introduced. Every needy family received a voucher for the purchase of food, in return for which the unemployed had to perform volunteer community work.

241. Responding to other questions, she explained that, on ratification, the Covenant had become part of domestic law and might be invoked directly before the courts. However, a distinction needed to be drawn up between operational clauses, such as those referring to the right to education, which were easily enforceable, and non-operational clauses, such as those concerning the right to decent housing, where practical difficulties arose. She also stated that no cases of racial discrimination had been brought before the courts and that, with increasingly vigorous checks at the country's frontiers and the availability of genetic data establishing the identity of a child's parents, it was hoped that the traffic in children could be brought to an end.

Article 13: Right to education

242. Members of the Committee asked if freedom of education was guaranteed and what restrictions could be placed on it legally. They also asked what special regulations were applicable in the case of children who had to change school often because of their parents' occupations; whether secondary and university education was free, and if so, to what extent; and what were the university fees mentioned in paragraph 146 (d) of the report. Further information was requested on the system for renewing appointments to teaching posts and the procedure for evaluating university teachers; on the development and co-ordination of non-public sources of finance for artistic and cultural activities which could not be supported by the State; and on the measures taken to protect music and the arts, particularly in the rural provinces. They asked what measures had been taken to reintroduce subjects which had been dropped because of their supposedly subversive nature during the military régime; if the entry to military academies had been limited for Jews during that period, and if so, what steps had been taken since to encourage their admission. Further information was requested on the teaching of human rights, the way such teaching took account of the development of international law in the field and the manner in which it was included in training for the armed forces and police. It was also asked how effective such teaching could be in a situation where, under the so-called "clean-slate" law, most of those responsible for the atrocities committed between 1975 and 1981 had been amnestied. Information was also requested on the place of technical education in the education system as a whole.

243. It was also asked whether the economic and social development plan gave prominence to education; whether the Government contemplated introducing a new education act, since the present one dated from 1884; and if parents had the right to give their children a religious and moral education in accordance with their own convictions.

244. In reply, the representative of the State party said that complete freedom of education was guaranteed both by the Constitution and by the law in her country and that there was no kind of limitation on the exercise of that right. She added that under the special regulations for children whose parents' occupations obliged them to move about, the academic level they reached in any one school or university was recognized in all others. She went on to say that primary and secondary education was free; that libraries

lent books to schoolchildren with no money; that students' centres circulated photocopied textbooks; that under the military régime students had been charged university fees amounting to 10 pesos, but that university education was now free; and that many cultural activities had been organized since 1983 with the aid of national non-governmental organizations and international organizations such as UNESCO. Under article 16 of the Constitution, all the country's inhabitants were equal before the law. Any discrimination on ideological, political, racial or religious grounds was forbidden by law, and, in addition, an act passed in August 1988 made racist or discriminatory propaganda a punishable offence. The rumour that Jews had no access or only limited access to military academies was thus without foundation, and in any case no statistics were kept on the religion of members of the armed forces, precisely in order not to emphasize differences. Finally, she referred to the various activities undertaken by the National Directorate of Anthropology and Folklore in the Secretariat of Culture to make the artistic creation services in the interior of the country viable.

245. In reply to the questions on human rights education, she explained that such education was compulsory from nursery school onwards and continued up to the university level, in order to prepare citizens for life in a democracy, to teach them their rights and to ensure that the Argentine people did not forget that they had lived under a military régime. To the same ends, the training for the armed forces and the police included similar education, to which was added study of the Covenants and humanitarian law; in addition, seminars were organized for them with the co-operation of the ICRC. She also explained that a subject designed to destroy all human rights values had been abolished in 1983, while the teaching of civics had been reintroduced.

Article 14: Principle of compulsory primary education free of charge

246. Members of the Committee wished to know what effect the economic difficulties had had on compulsory and free primary education and what measures had been taken to mitigate any difficulties. Noting that according to UNESCO statistics more than a third of pupils did not complete their primary education, they requested detailed information on the possible adoption, under article 14 of the Covenant, of a plan for the progressive implementation of the principle of compulsory education free of charge for all; on the possibility of adults who had not received or completed primary education being covered by such a plan; on the proportion of illiterates; and on the percentage of the indigenous population that was illiterate. In addition, they asked what the size of the indigenous populations was; whether primary education was given only in Spanish; whether any plan had been drawn up to enable the indigenous minorities to receive an education in their mother tongues; how teaching of the indigenous cultures was provided; and how many schools there were offering such teaching. Furthermore, they asked whether steps had been taken to give education a larger share of the State budget; to raise teachers' salaries so that they would not be obliged to take a second job; and to improve material conditions in educational institutions. In addition, information was requested on measures taken to bring university education into line with the requirements of the labour market so as to avoid

a situation in which university graduates would be unable to find openings corresponding to their qualifications; on the reasons why there were fewer girls than boys in primary schools; on the rate of female enrolment in primary, secondary and higher education; and on the percentage of women teachers.

247. In her reply, the representative of the State party said that education was free of charge and that the economic crisis had not affected social policy in that field. An education grant had, for instance, been established for the parents of children in primary or secondary school. Other educational allowances were provided by the State, and were increased in the case of families with more than three children. With regard to the teaching of indigenous cultures, she said that in regions where the indigenous populations lived, primary education was given for the first three years in the children's mother tongue and was bilingual thereafter. Training of bilingual teachers was called for under the law and undertaken in practice by the province concerned. According to the latest censuses, there were 200,000 indigenous persons in Argentina out of a total population of 32 million.

248. Replying to other questions, she said that more than one third of pupils did not complete their primary education and that to solve that problem a system of educational broadcasts, of which adults could also take advantage in some cases, had been established. Literacy programmes were supplemented by intensive vocational training courses. The percentage of the national budget devoted to education was lower than in other countries of the same region because the Government's intention was to decentralize education on a federal basis. Thus only the teachers' training colleges were still being administered at the federal level, and spending on education therefore represented no more than 8 per cent of the national budget in 1989, as against 13 per cent in 1988, although those figures were considerably higher in the provincial budgets. She also explained that there were fewer girls than boys enrolled in primary schools, and that the large number of women in the teaching profession was, unfortunately, to be explained by the fact that the profession was on the whole badly paid.

249. Concerning teachers' salaries, she pointed out that an agreement had just been signed between the Ministry of Labour and the Ministry of Education on that matter, but that teachers' salaries should be viewed in the wider context of relatively low salaries, bearing in mind that 12 million Argentines were unable to meet their basic needs and that the cost of living in Argentina was very low. Furthermore, there was no harmony between the demands for labour and the teaching dispensed by the universities, partly on account of the economic crisis, and partly because of the concentration of the population in the capital. Curricula and teaching programmes were, however, being constantly revised in order to ensure that the educational system was tailored to the needs of industry and the requirements of the labour market.

250. Responding to other questions, the representative explained that university teaching posts were renewed every four years, on the basis of competitive examinations. Each university appointed a board which included

teachers from other Argentine or foreign universities, thereby ensuring objectivity in the competitions which were based purely on criteria of academic competence. It was, nevertheless, very rare for a university teacher to lose his job. She added that technical education institutions were not at all considered to be second-rate, that such schools provided a six-year programme of study, and that women now made up between 21 and 25 per cent of the total number of students in such institutions. She also stated that proposals for a new education law were currently under discussion in the Chamber of Deputies; that the Constitution allowed citizens to worship as they pleased, provided that the denomination was duly registered with the State; and that parents could choose between religious and secular education for their children.

Article 15: Right to take part in cultural life and to benefit from scientific progress and from the protection of the interests of authors

251. The members of the Committee wished to know what difficulties were being encountered in implementing the right to take part in cultural life and asked what the situation was in that regard in rural areas and among the indigenous population. They asked to what extent the most disadvantaged sectors of the country were enjoying the benefits of scientific progress, and whether international assistance in the field of scientific progress was having an effect on the enjoyment of human rights. They also asked what measures had been taken to provide effective protection of literary, scientific or artistic production, in particular that of persons belonging to indigenous groups; whether Argentina suffered from a brain drain, and, if so, what effect that had on the enjoyment of the rights set forth in articles 13 to 15 of the Covenant; what measures had been taken to counter the brain drain and how many students studying abroad had chosen to stay there rather than return owing to the lack of employment opportunities at home; what effects international co-operation had on the enjoyment of economic, social and cultural rights, in particular for indigenous minorities; whether the establishment of literacy centres as from May 1985 had been affected by the economic crisis and whether steps had been taken to prevent the resources of that programme from being affected by budgetary constraints. In addition, details were sought concerning the recent ruling by the Supreme Court of Argentina that the main role of the press was to further the free circulation of information and not to disseminate culture, and concerning the comments made in paragraphs 272 and 273 of the report. Information was also desired on the measures taken to promote the culture of the indigenous peoples, and on the assistance given to them during judicial proceedings to ensure that they were not at a disadvantage in using their mother tongue.

252. In her reply, the representative of the State party described various projects carried out in co-operation with UNESCO, the World Bank, OAS and various non-governmental organizations. It had been possible, for example, to safeguard the literacy centres against further budget cuts through the support of OAS. Efforts were also being made to promote cultural life in rural areas, in particular through the National Arts Fund, which provided grants for artistic activities. Furthermore, measures had been taken to protect

indigenous cultures by marketing their craft products. Government measures in that field also included the activities of the National Directorate of Anthropology and Folklore; the National Market for Traditional Crafts; and new research relating to the development of production, food, health and the recovery of traditional technologies. Turning to the question concerning judicial proceedings in indigenous languages, she stated that in Argentina all court cases were heard in Spanish. However, should any of the parties not understand Spanish, provision was made for interpretation services. Lastly, she recalled that citizens belonging to the indigenous populations had the same rights and obligations as all other Argentine citizens.

253. Replying to other questions, she emphasized that the brain drain had been substantial under the military dictatorship, but that since the restoration of democracy, many talented people had returned to Argentina. The country could not, however, always offer them facilities comparable to those available in the countries where they had taken asylum. The representative also emphasized that in order to combat inflation, wage control had been introduced. In response to the question concerning the implications for freedom of the press of a limitation imposed on the maximum price of newspapers, she noted that, subsequently, the matter had come before the courts, which had authorized the daily newspaper La Prensa to adjust its prices in the light of its commercial needs. However, there had been no intention on the part of the Government to undermine freedom of expression, freedom of the press or cultural rights, which were enjoyed by all media in Argentina. She added that it was an obligation of the State to ensure the right of everyone to enjoy the benefits of scientific progress and its applications.

Concluding observations

254. In concluding its consideration of the initial report of Argentina, the Committee thanked the representative of the State party for the quality and frankness of her statements. It was noted in particular that despite very severe economic difficulties and the burden of the external debt, the democratic Governments which had succeeded one another since the overthrow of the military régime had endeavoured to protect the rights to education and culture as set forth in articles 13 to 15 of the Covenant. It was nevertheless regretted that the answers provided by the representative of the State party to the questions concerning the position of the indigenous minorities had not entirely dispelled the concern which the members might have in that regard. Likewise, the information given in reply to the questions concerning the distribution of national income, the situation of the 12 million Argentines living below the poverty level and the employment opportunities for university graduates were not felt to have been entirely adequate.

Chapter VI

GENERAL DISCUSSION ON THE RIGHTS CONTAINED IN ARTICLE 11 OF THE COVENANT

A. Realization of economic, social and cultural rights

1. Presentation of the report by the Special Rapporteur

255. At its 21st meeting, held on 29 January 1990, the Committee heard the oral introduction of the preliminary report prepared by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Realization of economic, social and cultural rights". 6/

256. The report by Mr. Türk, prepared at the request of the Sub-Commission, contained an organized set of working hypotheses on problems, policies and gradual measures for the more effective realization of economic, social and cultural rights.

257. Part I of Mr. Türk's report referred to some fundamental conceptual questions and asked whether there was a possibility of a unified United Nations approach to economic, social and cultural rights. Mr. Türk considered that, although these rights formed part of what was regarded as "universally recognized human rights", such recognition was very general because there were enormous economic, social, cultural, political and other differences in the world and, consequently, various interpretations of the conceptual and normative content of such rights and, in particular, the most effective means of ensuring their realization. According to the Special Rapporteur, such differences of opinion also reflected a doctrinal differentiation between civil and political rights, which were formulated from the viewpoint of the individual, and the other rights, namely, those which were dealt with in the International Covenant on Economic, Social and Cultural Rights and which related to obligations of States. In this connection, the report stated that:

> "Despite the fact that most United Nations activities in the field of human rights have related to civil and political rights, some major human rights documents adopted within the United Nations have defined the realization of economic, social and cultural rights as a condition for the full realization of civil and political rights". 7/

258. In his report, Mr. Türk also discussed the concept of the interdependence and indivisibility of human rights and, in the light of a number of international documents, including the Proclamation of Tehran of 1968 and General Assembly resolution 32/130 of 16 December 1977, concluded that there was a definite tendency in the majority of States to consider that economic, social and cultural rights had priority and should be placed in a higher position in the hierarchy of human rights. However, the author pointed out

that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, did not establish any hierarchy and placed all human rights on an equal footing.

259. The report then referred to the actual "content" of economic, social and cultural rights and the scope of the corresponding obligations of States and, in this connection, Mr. Türk agreed with the view of Mr. Philip Alston on the "minimum core content" of each of the rights referred to in the International Covenant on Economic, Social and Cultural Rights, although he noted that the Committee would have to elaborate further on such issues.

260. At the end of part I of his report, Mr. Türk concluded that specialized United Nations bodies might gradually arrive at a unified approach to economic, social and cultural rights.

261. In part II of his report, Mr. Türk referred to two specific problems with regard to the realization of economic, social and cultural rights at the national level, namely the problem of extreme poverty, and the problem of structural adjustment.

262. As to the first point, the author began by proposing a change of terminology and suggested that, instead of speaking of "poverty", reference should be made to "impoverishment", which was a fairer, more dynamic and more accurate term. Mr. Türk arrived at two major conclusions: (a) that the situations of persons living in extreme poverty showed the indivisible character of all human rights, since it was impossible to enjoy any of those rights in such situations; and (b) that the problem of extreme povery affected not only developing countries, but developed countries as well.

263. The report also suggested that it might be necessary to carry out a more detailed study of land rights and agrarian reform and their impact on actual policies for the eradication of povery and the realization of economic, social and cultural rights.

264. On the second point, relating to the question of structural adjustment, Mr. Türk proposed that the patterns and forms of poverty should not be studied separately, but in close connection with the major economic and social developments of our time. The first step would be to determine which socio-economic phenomena had the most adverse effects on the realization of the rights referred to in the Covenant, with particular attention to the economic position of the heavily indebted developing countries, which were facing the problem of structural adjustment, since (a) debt had reduced spending in sectors which were of particular importance for the realization of economic, social and cultural rights; (b) policies relating to the debt depended to a large extent on decisions adopted internationally by extra-national bodies; and (c) the question of the "minimum core content" of economic, social and cultural rights had to be considered in the light of the reality of the States affected.

265. Mr. Türk referred to a UNICEF study 8/ which arrived at the important conclusion that "Governments can greatly improve basic social services even at times of great financial stringency by restructuring government expenditures". This conclusion concurred with the opinion of some international law experts that the duty of States progressively to achieve the full realization of economic, social and cultural rights existed independently of an increase in resources.

266. In part III of his report, Mr. Türk pointed out that international co-operation was essential to the realization of economic, social and cultural rights and closely linked to the specific work of ILO, FAO, UNESCO, WHO, etc.

267. One important element was the possibility of developing indicators for assessing progress in the realization of these rights, a task in which all bodies which dealt with human rights could take part, since they were interrelated and complemented one another. There were still many unanswered questions: could specific indicators be developed to assess compliance by a Member State with its obligations under the Covenant? Was it possible to develop indicators which made it possible to detect a violation? What indicators might be applied to assess the conduct of States in relation to each of the rights referred to in the Covenant? This question required further exploration. Methods such as the so-called "Lorens curve" had been suggested as a basis for the evaluation of economic indicators such as income and wealth.

268. In the last part of the report, the Special Rapporteur referred to the impact of IMF adjustment policies on the full realization of economic, social and cultural rights and to the position of multilateral financial institutions in general. He noted that these institutions were becoming increasingly aware of the need to consider the adverse effects of programmes in order to mitigate the impact they had on the most vulnerable sectors.

269. In this connection, Mr. Türk suggested: (a) studying the existing documentation of specialized United Nations bodies; (b) exchanging views with IMF and the World Bank on the question of indicators; (c) including povery-reduction objectives in adjustment programmes; and (d) sharing the direct experience of the heavily indebted countries with problems relating to the realization of economic, social and cultural rights.

2. Opinions of the members of the Committee

270. The members of the Committee emphasized the high analytical calibre of the report by Mr. Türk, the Special Rapporteur.

271. Some members referred to the topic of indicators for assessing reports by States and agreed that it was necessary to co-ordinate and interface with other United Nations human rights bodies. They pointed out that this topic, in view of its importance, and at the same time its complex and controversial character, called for further thought and for professional work by specialists.

They took the view that, although Governments were duty bound to submit reports, the Committee could accept their national indicators as a general criterion for international assessment.

272. An essential factor in assessment was to discover whether States monitored the realization of the rights set out in the Covenant within their frontiers, for most of them did not. The indicators in question should include those used by ILO, as quantifiable criteria, along with those of other organizations, such as WHO, UNESCO and bodies specifically concerned with the problems of women. They suggested that, to avoid duplication, it would be advisable to use existing documentation and that co-ordination in this regard should be a priority. They pointed out that the elaboration of indicators should include parameters to determine violations of rights in this field, bearing in mind the doctrine that States were under a threefold obligation: to respect, to guarantee and to provide.

273. Other members held that the essential concept of the dignity of the individual should be taken into account, since it was the foundation of interpersonal relations. They said that it was indispensable to define the actual content of each of these rights, for without a clear and precise definition it would be very difficult to establish minimum levels.

274. Some members pointed out that, in developing indicators, relativity as between the various countries should not be lost from sight, so that the question would not be approached from an erroneous overall standpoint. They also took the view that economic, social and cultural rights had been formulated not solely for the developing countries - a common and widespread view in some sectors - but that they must also be fully operative in the developed countries.

275. Several members spoke of the problem of structural adjustments and welcomed the desirability of contacts between the Committee and IMF and of a dialogue for mutual understanding of the roles that each had to play. It was necessary for IMF to know that its concerns were known, so that it would pay attention to the Committee's concerns. Otherwise, a dialogue of the deaf would ensue. it would even be advisable to go to Washington to go deeper into this dialogue.

276. Some members expressed apprehension that the recent changes in Eastern Europe might lead to an imbalance harmful to the countries of the South, in view of the attention the Western countries had paid to these changes. In any event, in considering developments in Covenant rights in Eastern Europe, some members took the view that, while these developments would have profound repercussions, it should be remembered that the premise that there must be a close link between economic development and social rights was still valid. Some members none the less reiterated that the changes in Eastern Europe might undermine or have an adverse effect on the "topicality" of economic, social and cultural rights in that part of the world.

277. Several members mentioned the possibility of adopting an Optional Protocol providing a form of individual or group recourse for the vindication of the rights recognized in the Covenant, although they acknowledged that there would be various difficulties in implementing it. They emphasized in this context that such an instrument could not be adopted immediately, but the Committee was meanwhile exploring new ways and working methods to ensure that the duties assigned to it were carried out effectively.

278. Lastly, with regard to international co-operation, some members said that it must be founded on the Charter of the United Nations, on the understanding that co-operation was not only a duty, but also a right of States.

3. Final comments by the Special Rapporteur

279. In this part of his statement, Mr. Türk commented briefly on the various opinions expressed by members of the Committee and summarized them in the following 10 points:

(1) The realization of economic, social and cultural rights and finding more effective means of implementing them was a long-term process;

(2) The application of economic, social and cultural rights was an "out-to-be", an ideal, and this would warrant an optimistic approach to the subject;

(3) As to the changes in Eastern Europe and their impact on economic, social and cultural rights, two comments were possible:

(a) On the conceptual level, the principle of indivisibility still applied, although certain conflicts as to priority might arise in practice;

(b) The effects of structural adjustment on the realization of economic, social and cultural rights in the countries of Eastern Europe had to be taken into account;

(4) As to the obligations concerning the scope of economic, social and cultural rights, it should be noted that, while United Nations bodies were concerned with the activities of States, that task needed to be supplemented by undertaking an overall report clearly identifying those obligations;

(5) With regard to indicators, he attached the maximum importance to the tasks performed to develop them, taking into account the experiences of other organizations, such as ILO, and the very fact that States themselves had to present parameters for suitable assessment of the realization of economic, social and cutlural rights. He pointed out that all the ideas expressed by members of the Committee on this subject were useful and he would acquaint the Sub-Commission with them;

(6) On cases of violations of rights, he pointed out that there were cases of clear violations, as in Romania. He recommended that, for purposes of identifying them, reports and specific assessments by non-governmental organizations might be made use of;

(7) In connection with poverty, he pointed out this was simply a point of departure for a more wide-ranging scrutiny of the realization of economic, social and cultural rights and that changing the term "poverty" to "impoverishment" helped to bring out the dynamics of the problem;

(8) With regard to international co-operation, he agreed that it had a twofold character as a "right" and as a "duty", although the problem of determining the precise content of international co-operation to cope with some problems, such as protectionism, structural adjustment, etc., would remain;

(9) He recognized that his report was based on a selective approach - the subject of extreme poverty and the question of structural adjustment - instead of a more general and comprehensive approach, and acknowledged that this methodology had obvious limitations. He said that he would go further into this matter and into the usefulness of elaborating clear and precise definitions;

(10) He expressed his interest in the concern of some members to adopt an Optional Protocol and offered to think further on this subject, which was undoubtedly complex. He concluded by expressing a readiness for more frequent dialogue with the Sub-Commission on this and other topics concerning the implementation of human rights.

280. When Mr. Danilo Türk had completed his presentation, the Chairman of the Committee congratulated him on an excellent report and thanked him for his valuable contribution to the Committee's work.

B. The right to housing

281. The Committee devoted almost the whole of the 22nd and 23rd meetings during its fourth session to a general discussion of the obligations arising under article 11 of the Covenant, especially with regard to the right to housing.

282. In order to make the greatest possible use of the available expertise, the Committee invited for the above meetings the following experts: Mr. Scott Leckie, Ms. Julia Haüssermann, Mr. Rolf Küneman, Mr. Russel Barsh and Mr. Denis von der Weid. The representatives of the United Nations Centre for Human Settlements (HABITAT) and ILO also participated in the meeting.

283. The main purpose of the discussion was to shed light on issues of principle and on the practical and policy implications of the right to housing as contained in the Covenant, and to relate it to the specific challenges and possibilities confronting the Committee.

284. The following main issues were raised: what is the nature of the obligations relating to the right to housing; how can the principle of non-discrimination, which is obviously applicable in the right to housing, be applied most effectively in the area of economic, social and cultural rights in general; how useful are concepts of justiciability in connection with the right to housing; what may be the role of tenants associations; how to approach land rights, which are not specifically affirmed in the Covenant; what may be the role of the United Nations Centre for Human Settlements (HABITAT) and the Commission on Human Settlements in monitoring the housing situation; how can the Committee get adequate information from the relevant United Nations bodies; how can the NGOs contribute more to the Committee's work; and what basic questions should the Committee ask of Governments with respect to the right to housing.

285. The observations made by the experts and members of the Committee may be briefly summarized as follows:

(a) each family, and also every person, has a right to housing;

(b) the right to housing is not limited to the physical structure of a house but is an integrated concept, including qualitative aspects such as location and architecture, as well as people's participation in the design and implementation of programmes;

(c) housing legislation and policies must be integrated so as not to allow any discrimination either by landlords or by the community;

(d) the right to housing includes such concerns as: adequate land; building materials and components; infrastructure and services; drainage, fuel, roads, transport, social facilities, security, rent controls and subsidies as well as sufficient income to afford adequate housing;

(e) a suggested definition of the entitlements comprising the right to housing includes: (i) security of tenure; (ii) affordability; (iii) accessbility; (iv) habitability; (v) popular participation in decision-making; (vi) choice; (vii) equality of access and non-discrimination; (viii) availability of legal remedies;

(f) pursuant to the right to housing, people should be free from threats of eviction or deportation, demolition of their homes or any other form of persecution or harassment;

(g) the right to housing should preferably be a constitutionally recognized right, as it is a necessary element for human dignity and well-being; special care must be taken to safeguard home ownership by women, while bearing in mind that one third of the world's families are headed by women. The fate of people living in shacks and on the pavements must also be considered. The NGOs could help by initiating campaigns for housing rights;

(h) the right to housing is directly relevant to such civil and political rights as the right to privacy, the right to vote, the right to family life, etc.;

(i) the right to housing can be subject to violation. Acts and omissions constituting violation will need to be explored by the Committee, especially in the context of evictions;

(j) international institutions must take the housing rights obligations of States into account when formulating development policies, especially in view of the fact that less than 5 per cent of such international co-operation has been directed to human settlements;

(k) the justiciable dimensions of housing rights could include such aspects as the right to privacy, the right to life, the right to freedom from discrimination, the right to be protected from eviction, etc. One should also have in mind that so-called "soft" law can be important even in courts;

(l) among mistakes in development programmes which add to the already difficult problems of housing, the following were enumerated: i.e. cluster housing which reduces costs but creates problems by removing access to garden plots, and to fishing or gathering areas; inadequate space for food preparation and storage; building materials and heating not adapted to the climatic conditions; architecture which often does not respect traditions, usages, customs and the needs of the populations concerned.

Chapter VII

REVIEW OF METHODS OF WORK OF THE COMMITTEE

Introduction

286. At its fourth session, the Committee decided that any proposals which require the approval of the Economic and Social Council should be formulated as draft decisions proposed for adoption by the Council. These drafts are contained in chapter I of the present report.

287. Many other matters relating to the work of the Committee were already covered by past resolutions of the Council. Thus endorsement by the Council in the case of decisions taken with respect to those matters was not required. Those matters are dealt with in the present chapter.

Conclusions and recommendations adopted by the Committee with respect to its future methods of work

General guidelines

288. The Committee attached considerable importance to the need to revise the guidelines on the basis of which States parties to the Covenant were requested to formulate their reports. In addition to various shortcomings perceived in the existing guidelines, the introduction of a new five-year reporting cycle and of global rather than tripartite reports made a substantial revision of the guidelines necessary. A "draft proposal for revised guidelines" was presented to the Committee by its sessional working group in the course of the third session. The Committee requested Mr. Bruno Simma, Chairman/Rapporteur of that group, to prepare a revised draft on the basis of suggestions made by members of the Committee and to present his draft at the fourth session.

289. After a wide-ranging discussion by the Committee on the basis of the revised draft, it was agreed that Mr. Simma had done an excellent job but that some further revisions were desirable. Mr. Simma therefore undertook, on the basis of comments made during the discussion and of any written suggestions forwarded to him by the end of May 1990, to submit a final revised draft to the Committee in advance of its fifth session.

General comments

290. The Committee had before it a draft general comment on articles 22 and 23 of the Covenant prepared by Mr. Philippe Texier. After informal consultations it was agreed that the two articles might better be dealt with separately and that expanded versions of Mr. Texier's draft would be desirable for that purpose. Subsequently, Mr. Philip Alston submitted a revised draft dealing with article 22. At its 22nd and 25th meetings, held 30 January and 1 February 1990, the general comment was discussed and adopted by the Committee. The general comment No. 2 (1990) is contained in annex III below.

291. In the course of the general discussions several references were made to proposals for future draft general comments. The topics mentioned included article 23 of the Covenant, article 2 on general obligations and article 11 with respect to the right to food and the right to housing. However, no drafts on these issues were submitted during the fourth session.

Provisional rules of procedure

292. The Committee noted that ECOSOC had been unable, for want of time, to review and approve the provisional rules of procedure which the Committee had adopted at its third session (E/1989/22, annex IV). The Committee expressed the strong hope that the Council would be able to complete this task during its first regular session of 1990.

293. The Committee agreed that the following amendments should be incorporated into the provisional rules before their adoption by the Council in order to reflect the actual practice adopted by the Committee at its fourth session. In the second sentence of rule 68, the word "general" should be deleted and the words "at the end of" should be replaced by the words "in the course of". Accordingly, the text of rule 68 as amended will read as follows:

Rule 68

> The specialized agencies concerned shall be invited to designate representatives to participate at the meetings of the Committee. Such representatives may make statements on matters falling within the scope of the activities of their respective organizations in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies.

Arrangements for the transition to new reporting periodicity

294. The Committee took note of and approved the arrangements that had been made in this regard by the Secretary-General, in accordance with the principles decided by the Committee at its third session (see annex VI below).

Submission of report to the Economic and Social Council

295. The Committee noted that the Council proposed in its resolution 1985/17 of 28 May 1985 to undertake in 1990 an overall review of the composition, organization and administrative arrangements relating to the work of the Committee. For that reason, as well as because of a desire to receive more feedback from the Council, the Committee decided to recommend strongly that its report to the Council should, if possible, be presented in person by one of its members, who could also participate in the Council's consideration of the above-mentioned review (see annex V below).

296. The suggestion was also made that the Council might consider discussing the report of the Committee in its plenary sessions so that summary records would be available to enable the Committee to follow the Council's proceedings.

297. The Committee decided that, at its future sessions, a new item should be added to its agenda so as to enable it to reflect on any feedback received from the discussion of its work by the Council, as well as by the Commission on Human Rights and the General Assembly.

Relations with other United Nations bodies

298. The Committee believed that it was essential for its members to be kept abreast of all relevant current developments in the work of the other treaty supervisory bodies, of the principal human rights organs and of any other appropriate United Nations bodies. While appreciating the fact that the Secretary-General was already providing extensive documentation, the Committee felt the need for the most important developments to be distilled from this material and presented to it in a more systematic manner. It decided that, at its future sessions, one of its members should assume responsibility for briefing the Committee on current developments and that the member should be assisted by a written report to be prepared by the Secretariat. The task would be undertaken at its fifth session by the current Rapporteur.

299. The Committee expressed its strong appreciation of the contribution made to its work at the fourth session by ILO, UNESCO, WHO and the United Nations Centre for Human Settlements (HABITAT).

300. It also requested the Secretary-General to invite WHO to submit to it, at each session, any written information it might have as to the existence of discriminatory practices in the case of persons suffering from AIDS or HIV-related infections.

Public information activities

301. The Committee considered that a greater effort should be made to focus attention on questions of economic, social and cultural rights in the public information activities of the Centre for Human Rights. In particular, it was felt that the various activities undertaken in conjunction with both the Programme on Advisory Services and the World Public Information Campaign should be given a much larger economic, social and cultural rights component than was currently the case.

302. The Committee also decided to request the Secretary-General to undertake the preparation, perhaps at the end of its fifth session, of a brochure or booklet describing in detail the work of the Committee.

Response to non-submission of reports

303. The Committee noted with regret that 31 States parties had not yet submitted any report whatsoever in accordance with their obligations under the

Covenant. It also noted that many of those States were long overdue in the submission of reports and had failed to respond to various reminders that had been sent. The Committee attached the utmost importance to the prompt submission of reports and called upon all States parties concerned to make a major effort to fulfil their reporting obligations with a minimum of further delay.

304. The Committee noted that a State party which was experiencing difficulties of a technical nature in preparing its report(s) could request expert assistance for that purpose from the Centre for Human Rights.

305. The Committee agreed that, in future, it would make a more concerted effort to draw the attention of the States parties concerned to the need to satisfy their obligations. It was agreed in this regard that more innovative methods should be explored and that consideration might be given to the adoption of a procedure whereby the names of States whose reports were more than three years overdue would be specifically identified in a draft decision or resolution submitted to the Council for its approval.

Response to non-appearance before the Committee

306. The Committee noted that, in exceptional cases, States parties which had submitted a report and agreed to present it at a particular session might be unable to fulfil that commitment. In such cases the Committee felt it of major importance for the State concerned to notify the Committee at the earliest possible date. To the greatest extent possible, last-minute withdrawals should be avoided.

307. The Committee indicated that in future it might feel compelled to follow a procedure similar to that already used by the Human Rights Committee in cases of repeated non-appearance by a State party. Accordingly it might decide, on the third occasion that the same State party's report was scheduled for consideration, to proceed with the examination of the report even in the absence of the State party representative. An exception might be made in this regard if the Committee considered that the non-appearance was due to factors beyond the control of the State party.

Procedure to be followed in examining additional information

308. On a number of occasions the Committee had expressed its desire to receive additional information from a State party in order to enable it to complete its consideration of a report. By the time of its fourth session the Committee was in receipt of supplementary reports submitted by the Governments of France, the Netherlands and Zaire. These reports were considered by the pre-sessional working group, which prepared some comments on each of the reports for consideration by the Committee of the Whole. The latter decided to take up those reports only after first determining a procedure to be followed in all such cases in future. Those reports would accordingly be considered by the Committee at its fifth session.

309. The following procedure was adopted by the Committee for the consideration of additional information submitted by a State party:

(a) The Committee considered the additional information submitted by States parties at the session subsequent to that at which such information had been requested. The Chairman of the Committee would communicate the observations, conclusions or general comments made by the Committee to the State party concerned.

(b) The State party would communicate its observations on the Committee's comments at the time of the submission of its periodic report.

Chapter VIII

ADOPTION OF THE REPORT

310. At its 24th and 26th meetings, held on 1 and 2 February 1990, the Committee considered its draft report (E/C.12/1990/CRP.1 and Add.1-13 and E/C.12/1990/CRP.2 and Add.1 and 2) to the Economic and Social Council on the work of its fourth session. The Committee adopted the report as amended in the course of the discussion.

Notes

1/ See Council decision 1986/150, para. 2.

2/ HRI/MC/1988/1, para. 95.

3/ See E/C.12/1988/SR.23, paras. 6 and 7.

4/ CCPR/C/50/Add.1/Rev.1 and Corr.1.

5/ CERD/C/172/Add.17.

6/ E/CN.4/Sub.2/1989/19.

7/ Ibid., para. 18.

8/ Adjustment with a human face: protecting the vulnerable and promoting growth, G.A. Cornia, R. Jolly and F. Stewart, eds., Oxford, Clarendon Press, 1987.

ANNEXES

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS IN ACCORDANCE WITH THE PROGRAMME ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX), DECISION 1985/132 AND RESOLUTION 1988/4

(as of 2 February 1990)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) a/	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) a/	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) a/	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/88) b/	Articles 13-15 Second periodic reports (Due 1/9/89) b/
1. Afghanistan	24 April 1983	E/1984/6/Add.12	Overdue	Overdue	-	-	-
2. Algeria	12 December 1989	c/	c/	c/	-	-	-
3. Argentina	8 November 1986	Overdue	c/	E/1988/5/Add.4	-	-	-
4. Australia	10 March 1976	E/1978/8/Add.15	E/1980/6/Add.22	E/1982/3/Add.9	E/1984/7/Add.22	E/1986/4/Add.7	Overdue
5. Austria	10 December 1978	E/1984/6/Add.17	E/1980/6/Add.19	E/1982/3/Add.37	-	E/1986/4/Add.8 and Corr.1	-
6. Barbados	3 January 1976	E/1978/8/Add.33	E/1980/6/Add.27	E/1982/3/Add.24	Overdue	Overdue	-
7. Belgium	21 July 1983	Overdue	Overdue	Overdue	-	-	-
8. Bolivia	12 November 1982	Overdue	Overdue	Overdue	-	-	-
9. Bulgaria	3 January 1976	E/1978/8/Add.24	E/1980/6/Add.29	E/1982/3/Add.23	E/1984/7/Add.18	E/1986/4/Add.20	Overdue
10. Byelorussian SSR	3 January 1976	E/1978/8/Add.19	E/1980/6/Add.18	E/1982/3/Add.3	E/1984/7/Add.6	E/1986/4/Add.19	E/1990/7/Add.5
11. Cameroon	27 September 1984	Overdue	E/1986/3/Add.8	Overdue	-	-	-
12. Canada	19 August 1976	E/1978/8/Add.32	E/1980/6/Add.32	E/1982/3/Add.34	E/1984/7/Add.28	Overdue	-
13. Central African Republic	8 August 1981	Overdue	Overdue	Overdue	-	-	-
14. Chile	3 January 1976	E/1978/8/Add.10 and 28	E/1980/6/Add.4	E/1982/3/Add.40	E/1984/7/Add.1	E/1986/4/Add.18	Overdue
15. Colombia	3 January 1976	E/1978/8/Add.17	E/1986/3/Add.3	E/1982/3/Add.36	E/1984/7/Add.21/ Rev.1	E/1986/4/Add.25	E/1990/7/Add.4
16. Congo	5 January 1984	Overdue	Overdue	Overdue	-	-	-
17. Costa Rica	3 January 1976	d/	d/	d/	Overdue	Overdue	-
18. Cyprus	3 January 1976	E/1978/8/Add.21	E/1980/6/Add.3	E/1982/3/Add.19	E/1984/7/Add.13	E/1986/4/Add.2 and 26	Overdue

Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) a/	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) a/	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) a/	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) b/	Articles 13-15 Second periodic reports (Due 1/9/89) b/
19. Czechoslovakia	23 March 1976	E/1978/8/Add.18	E/1980/6/Add.21	E/1982/3/Add.18	E/1984/7/Add.25	E/1986/4/Add.15	E/1990/7/Add.6
20. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7	E/1986/3/Add.5	E/1988/5/Add.6	-	-	-
21. Democratic Yemen	9 May 1987	d/	d/	d/	-	-	-
22. Denmark	3 January 1976	E/1978/8/Add.13	E/1980/6/Add.15	E/1982/3/Add.20	E/1984/7/Add.11	E/1986/4/Add.16	Overdue
23. Dominican Republic	4 April 1978	d/	d/	d/	-	Overdue	-
24. Ecuador	3 January 1976	E/1978/8/Add.1	E/1986/3/Add.14	E/1988/5/Add.7	E/1984/7/Add.12	Overdue	-
25. Egypt	14 April 1982	Overdue	Overdue	Overdue	-	-	-
26. El Salvador	29 February 1980	Overdue	Overdue	Overdue	-	-	-
27. Equatorial Guinea	25 December 1987	Overdue	c/	c/	-	-	-
28. Finland	3 January 1976	E/1978/8/Add.14	E/1980/6/Add.11	E/1982/3/Add.28	E/1984/7/Add.14	E/1986/4/Add.4	E/1990/7/Add.1
29. France	4 February 1981	E/1984/6/Add.11	E/1986/3/Add.10	E/1982/3/Add.30 and Corr.1	-	-	-
30. Gabon	21 April 1983	Overdue	Overdue	Overdue	-	-	-
31. Gambia	29 March 1979	Overdue	Overdue	Overdue	-	Overdue	-
32. German Democratic Republic	3 January 1976	E/1978/8/Add.8 and Corr.1	E/1980/6/Add.6	E/1982/3/Add.15 and Corr.1	E/1984/7/Add.3 and 23	E/1986/4/Add.11	Overdue
33. Germany, Federal Republic of	3 January 1976	E/1978/8/Add.11	E/1980/6/Add.10	E/1982/3/Add.14	E/1984/7/Add.24 and Corr.1	E/1986/4/Add.10	Overdue
34. Greece	16 August 1985	Overdue	c/	Overdue	-	-	-
35. Guatemala	19 August 1988	c/	c/	c/	-	-	-
36. Guinea	24 April 1978	Overdue	Overdue	Overdue	-	Overdue	-
37. Guyana	15 May 1977	Overdue	Overdue	E/1982/3/Add.5, 29 and 32	Overdue	Overdue	-

Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) a/	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) a/	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) a/	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) b/	Articles 13-15 Second periodic reports (Due 1/9/89) b/
38. Honduras	17 May 1981	Overdue	Overdue	Overdue	-	-	-
39. Hungary	3 January 1976	E/1978/8/Add.7	E/1980/6/Add.37	E/1982/3/Add.10	E/1984/7/Add.15	E/1986/4/Add.1	Overdue
40. Iceland	22 November 1979	Overdue	Overdue	Overdue	-	-	-
41. India	10 July 1979	E/1984/6/Add.13	E/1980/6/Add.34	E/1986/5/Add.5	-	Overdue	-
42. Iran (Islamic Republic of)	3 January 1976	E/1978/8/Add.2 f/	Overdue	E/1982/3/Add.43	Overdue	Overdue	-
43. Iraq	3 January 1976	E/1984/6/Add.3 and 8	E/1980/6/Add.14	E/1982/3/Add.26	Overdue	E/1986/4/Add.3	-
44. Ireland	8 March 1990	c/	c/	c/	-	-	-
45. Italy	15 December 1978	E/1978/8/Add.34	E/1980/6/Add.31 and 36	Overdue	Overdue	Overdue	-
46. Jamaica	3 January 1976	E/1978/8/Add.27	E/1986/3/Add.12	E/1988/5/Add.3	E/1984/7/Add.30	Overdue	-
47. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1	E/1986/3/Add.4 and Corr.1	E/1982/3/Add.7	-	-	-
48. Jordan	3 January 1976	E/1984/6/Add.15	E/1986/3/Add.6	E/1982/3/Add.38/ Rev.1	Overdue	Overdue	-
49. Kenya	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	-
50. Lebanon	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	-
51. Libyan Arab Jamahiriya	3 January 1976	Overdue	Overdue	E/1982/3/Add.6 and 25	Overdue	Overdue	-
52. Luxembourg	18 November 1983	d/	d/	d/	-	-	-
53. Madagascar	3 January 1976	E/1978/8/Add.29	E/1980/6/Add.39	Overdue	E/1984/7/Add.19	Overdue	-
54. Mali	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	-
55. Mauritius	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	-
56. Mexico	23 June 1981	E/1984/6/Add.2 and 10	E/1986/3/Add.13	E/1982/3/Add.8	-	-	-

Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) a/	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) a/	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) a/	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) b/	Articles 13-15 Second periodic reports (Due 1/9/89) b/
57. Mongolia	3 January 1976	E/1978/8/Add.6	E/1980/6/Add.7	E/1982/3/Add.11	E/1984/7/Add.6	E/1986/4/Add.9	Overdue
58. Morocco	3 August 1979	Overdue	Overdue	Overdue	-	Overdue	-
59. Netherlands	11 March 1979	E/1984/6/Add.14 and 20	E/1980/6/Add.33	E/1982/3/Add.35 and 44	-	E/1986/4/Add.24	-
60. New Zealand	28 March 1979	Overdue	Overdue	Overdue	-	Overdue	-
61. Nicaragua	12 June 1980	E/1984/6/Add.9	Overdue	E/1982/3/Add.31	-	-	-
62. Niger	7 June 1986	Overdue	c/	Overdue	-	-	-
63. Norway	3 January 1976	E/1978/8/Add.12	E/1980/6/Add.5	E/1982/3/Add.12	E/1984/7/Add.16	E/1986/4/Add.21	E/1990/7/Add.7
64. Panama	8 June 1977	E/1984/6/Add.19	E/1980/6/Add.20 and 23	Overdue	Overdue	E/1986/4/Add.22	-
65. Peru	28 July 1978	E/1984/6/Add.5	Overdue	Overdue	-	Overdue	-
66. Philippines	3 January 1976	E/1978/8/Add.4	Overdue	E/1988/5/Add.2	E/1984/7/Add.4	Overdue	-
67. Poland	18 June 1977	E/1978/8/Add.23	E/1980/6/Add.12	E/1982/3/Add.21	E/1984/7/Add.26 and 27	E/1986/4/Add.12	Overdue
68. Portugal	31 October 1978	E/1984/6/Add.16	E/1980/6/Add.35/ Rev.1	E/1982/3/Add.27/ Rev.1	-	Overdue	-
69. Romania	3 January 1976	E/1978/8/Add.20	E/1980/6/Add.1	E/1982/3/Add.13	E/1984/7/Add.17	E/1986/4/Add.17	Overdue
70. Rwanda	3 January 1976	E/1984/6/Add.4	E/1986/3/Add.1	E/1982/3/Add.42	E/1984/7/Add.29	Overdue	-
71. Saint Vincent and the Grenadines	9 February 1982	Overdue	Overdue	Overdue	-	-	-
72. San Marino	18 January 1986	Overdue	c/	Overdue	-	-	-
73. Senegal	13 May 1978	Overdue	E/1980/6/Add.13/ Rev.1	E/1982/3/Add.17	-	Overdue	-
74. Solomon Islands	17 March 1982	Overdue	Overdue	Overdue	-	-	-

Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) a/	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) a/	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) a/	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/88) b/	Articles 13-15 Second periodic reports (Due 1/9/89) b/
75. Spain	27 July 1977	E/1978/8/Add.26	E/1980/6/Add.28	E/1982/3/Add.22	E/1984/7/Add.2	E/1986/4/Add.6	E/1990/7/Add.3
76. Sri Lanka	11 September 1980	Overdue	Overdue	Overdue	-	-	-
77. Sudan	18 June 1986	Overdue	c/	Overdue	-	-	-
78. Suriname	28 March 1977	Overdue	Overdue	Overdue	Overdue	Overdue	-
79. Sweden	3 January 1976	E/1978/8/Add.5	E/1980/6/Add.8	E/1982/3/Add.2	E/1984/7/Add.5	E/1986/4/Add.13	E/1990/7/Add.2
80. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31	E/1980/6/Add.9	Overdue	c/	c/	c/
81. Togo	24 August 1984	Overdue	Overdue	Overdue	-	-	-
82. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11	E/1988/5/Add.1	-	Overdue	-
83. Tunisia	3 January 1976	E/1978/8/Add.3	E/1986/3/Add.9	Overdue	Overdue	Overdue	-
84. Uganda	21 April 1987	Overdue	c/	Overdue	-	-	-
85. Ukrainian SSR	3 January 1976	E/1978/8/Add.22	E/1980/6/Add.24	E/1982/3/Add.4	E/1984/7/Add.9	E/1986/4/Add.5	Overdue
86. Union of Soviet Socialist Republics	3 January 1976	E/1978/8/Add.16	E/1980/6/Add.17	E/1982/3/Add.1	E/1984/7/Add.7	E/1986/4/Add.14	Overdue
87. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26	E/1982/3/Add.16	E/1984/7/Add.20	E/1986/4/Add.23	Overdue
88. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2	Overdue	Overdue	Overdue	-
89. Uruguay	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	-

Annex I (continued)

State party	Date of entry into force	Articles 6-9 Initial reports (Due 1/9/77 or 1/9/83) a/	Articles 10-12 Initial reports (Due 1/9/79 or 1/9/85) a/	Articles 13-15 Initial reports (Due 1/9/81 or 1/9/87) a/	Articles 6-9 Second periodic reports (Due 1/9/83)	Articles 10-12 Second periodic reports (Due 1/9/86) b/	Articles 13-15 Second periodic reports (Due 1/9/89) b/
90. Venezuela	10 August 1978	E/1984/6/Add.1	E/1980/6/Add.38	E/1982/3/Add.33	-	Overdue	-
91. Viet Nam	24 December 1982	Overdue	Overdue	Overdue	-	-	-
92. Yugoslavia	3 January 1976	E/1978/8/Add.35	E/1980/6/Add.30	E/1982/3/Add.39	E/1984/7/Add.10	Overdue	-
93. Zaire	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7	E/1982/3/Add.41	Overdue	Overdue	-
94. Zambia	10 July 1984	Overdue	E/1986/3/Add.2	Overdue	-	-	-

a/ Depending on date of entry into force.

b/ See Economic and Social Council decision 1985/132 of 28 May 1985.

c/ Not yet due.

d/ State party has submitted its initial report in accordance with the new reporting programme approved by the Economic and Social Council in paragraph 6 of its resolution 1988/4 of 24 May 1988.

e/ State party has submitted its second periodic report in accordance with the new reporting programme approved by the Economic and Social Council in paragraph 6 of its resolution 1988/4 of 24 May 1988.

f/ Withdrawn.

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member	Country of nationality	Term expires on 31 December
Mr. Philip ALSTON	Australia	1990
Mr. Juan ALVAREZ VITA	Peru	1992
Mr. Ibrahim Ali BADAWI EL SHEIKH	Egypt	1990
Mr. Mohamed Lamine FOFANA	Guinea	1992
Mr. Sami GLAIEL	Syrian Arab Republic	1990
Mrs. María de los Angeles JIMENEZ BUTRAGUENO	Spain	1992
Mr. Samba Cor KONATE	Senegal	1992
Mr. Valeri KOUZNETSOV	Union of Soviet Socialist Republics	1990
Mr. Jaime MARCHAN ROMERO	Ecuador	1990
Mr. Vassil MRATCHKOV	Bulgaria	1992
Mr. Alexandre MUTERAHEJURU	Rwanda	1990
Mr. Wladyslaw NENEMAN	Poland	1992
Mr. Kenneth Osborne RATTRAY	Jamaica	1992
Mr. Bruno SIMMA	Federal Republic of Germany	1990
Mr. Mikis Demetriou SPARSIS	Cyprus	1992
Ms. Chikako TAYA	Japan	1990
Mr. Philippe TEXIER	France	1992
Mr. Javier WIMER ZAMBRANO	Mexico	1990

Annex III

General comment No. 2 (1990)

International technical assistance measures (article 22 of the Covenant)

1. Article 22 of the Covenant establishes a mechanism by which the Economic and Social Council may bring to the attention of relevant United Nations bodies any matters arising out of reports submitted under the Covenant "which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the ... Covenant". While the primary responsibility under Article 22 is vested in the Council, it is clearly appropriate for the Committee on Economic, Social and Cultural Rights to play an active role in advising and assisting the Council in this regard.

2. Recommendations in accordance with Article 22 may be made to any "organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance". The Committee considers that this provision should be interpreted so as to include virtually all United Nations organs and agencies involved in any aspect of international development co-operation. It would therefore be appropriate for recommendations in accordance with Article 22 to be addressed, inter alia, to the Secretary-General, subsidiary organs of the Council such as the Commission on Human Rights, the Commission on Social Development and the Commission on the Status of Women, other bodies such as UNDP, UNICEF and CDP, agencies such as the World Bank and IMF, and any of the other specialized agencies such as ILO, FAO, UNESCO and WHO.

3. Article 22 could lead either to recommendations of a general policy nature or to more narrowly focused recommendations relating to a specific situation. In the former context, the principal role of the Committee would seem to be to encourage greater attention to efforts to promote economic, social and cultural rights within the framework of international development co-operation activities undertaken by, or with the asssistance of, the United Nations and its agencies. In this regard the Committee notes that the Commission on Human Rights, in its resolution 1989/13 of 2 March 1989, invited it "to give consideration to means by which the various United Nations agencies working in the field of development could best integrate measures designed to promote full respect for economic, social and cultural rights in their activities".

4. As a preliminary practical matter, the Committee notes that its own endeavours would be assisted, and the relevant agencies would also be better informed, if they were to take a greater interest in the work of the Committee. While recognizing that such an interest can be demonstrated in a variety of ways, the Committee observes that attendance by representatives of the appropriate United Nations bodies at its first four sessions has, with the notable exceptions of ILO, UNESCO and WHO, been very low. Similarly, pertinent materials and written information had been received from only a very

limited number of agencies. The Committee considers that a deeper understanding of the relevance of economic, social and cultural rights in the context of international development co-operation activities would be considerably facilitated through greater interaction between the Committee and the appropriate agencies. At the very least, the day of general discussion on a specific issue, which the Committee undertakes at each of its sessions, provides an ideal context in which a potentially productive exchange of views can be undertaken.

5. On the broader issues of the promotion of respect for human rights in the context of development activities, the Committee has so far seen only rather limited evidence of specific efforts by United Nations bodies. It notes with satisfaction in this regard the initiative taken jointly by the Centre for Human Rights and UNDP in writing to United Nations Resident Representatives and other field-based officials, inviting their "suggestions and advice, in particular with respect to possible forms of co-operation in on-going projects [identified] as having a human-rights dimension or in new ones in response to a specific Government's request". The Committee has also been informed of longstanding efforts undertaken by ILO to link its own human rights and other international labour standards to its technical co-operation activities.

6. With respect to such activities, two general principles are important. The first is that the two sets of human rights are indivisible and interdependent. This means that efforts to promote one set of rights should also take full account of the other. United Nations agencies involved in the promotion of economic, social and cultural rights should do their utmost to ensure that their activities are fully consistent with the enjoyment of civil and political rights. In negative terms this means that the international agencies should scrupulously avoid involvement in projects which, for example, involve the use of forced labour in contravention of international standards, or promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation. In positive terms, it means that, wherever possible, the agencies should act as advocates of projects and approaches which contribute not only to economic growth or other broadly-defined objectives, but also to enhanced enjoyment of the full range of human rights.

7. The second principle of general relevance is that development co-operation activities do not automatically contribute to the promotion of respect for economic, social and cultural rights. Many activities undertaken in the name of "development" have subsequently been recognized as ill-conceived and even counter-productive in human rights terms. In order to reduce the incidence of such problems, the whole range of issues dealt with in the Covenant should, wherever possible and appropriate, be given specific and careful consideration.

8. Despite the importance of seeking to integrate human rights concerns into development activities, it is true that proposals for such integration can too easily remain at a level of generality. Thus, in an effort to encourage the

operationalization of the principle contained in article 22 of the Covenant, the Committee wishes to draw attention to the following specific measures which merit consideration by the relevant bodies:

(a) As a matter of principle, the appropriate United Nations organs and agencies should specifically recognize the intimate relationship which should be established between development activities and efforts to promote respect for human rights in general, and economic, social and cultural rights in particular. The Committee notes in this regard the failure of each of the first three United Nations Development Decade Strategies to recognize that relationship and urges that the fourth such strategy, to be adopted in 1990, should rectify that omission;

(b) Consideration should be given by United Nations agencies to the proposal, made by the Secretary-General in a report of 1979, a/ that a "human rights impact statement" be required to be prepared in connection with all major development co-operation activities;

(c) The training or briefing given to project and other personnel employed by United Nations agencies should include a component dealing with human rights standards and principles.

(d) Every effort should be made, at each phase of a development project, to ensure that the rights contained in the Covenants are duly taken into account. This would apply, for example, in the initial assessment of the priority needs of a particular country, in the identification of particular projects, in project design, in the implementation of the project, and in its final evaluation.

9. A matter which has been of particular concern to the Committee in the examination of the reports of States parties is the adverse impact of the debt burden and of the relevant adjustment measures on the enjoyment of economic, social and cultural rights in many countries. The Committee recognizes that adjustment programmes will often be unavoidable and that these will frequently involve a major element of austerity. Under such circumstances, however, endeavours to protect the most basic economic, social and cultural rights become more, rather than less, urgent. States parties to the Covenant, as well as the relevant United Nations agencies, should thus make a particular effort to ensure that such protection is, to the maximum extent possible, built-in to programmes and policies designed to promote adjustment. Such an approach, which is sometimes referred to as "adjustment with a human face" or as promoting "the human dimension of development" requires that the goal of protecting the rights of the poor and vulnerable should become a basic objective of economic adjustment. Similarly, international measures to deal with the debt crisis should take full account of the need to protect economic,

social and cultural rights through, inter alia, international co-operation. In many situations, this might point to the need for major debt relief initiatives.

10. Finally, the Committee wishes to draw attention to the important opportunity provided to States parties, in accordance with article 22 of the Covenant, to identify in their reports any particular needs they might have for technical assistance or development co-operation.

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a/ "The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the new international economic order and the fundamental human needs" (E/CN.4/1334, para. 314).

Annex IV

LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS FOURTH SESSION

CYPRUS	Representative:	Ambassador V. Markides Permanent Representative of Cyprus to the United Nations Office at Geneva
	Advisers:	Mr. George Anastasiades Director-General of the Ministry of Labour and Social Insurance, Nicosia
		Mrs. Lenia Samouel Principal Insurance Officer, Ministry of Labour and Social Insurance, Nicosia
		Mr. George Zodiates First Secretary Permanent Mission of Cyprus to the United Nations Office at Geneva
MEXICO	Representative:	Ambassador Aída González Martínez Directora en Jefe para Asuntos Migratorios y Derechos Humanos, Secretaría de Relaciones Exteriores, México, D.F.
	Advisers:	Licenciado Efren Elias Barragán Director de Credito del Fondo Nacional de la Habitación Popular México, D.F.
		Señor Ismael Naveja Tercer Secretario Misión Permanente de México ante la Oficina de las Naciones Unidas en Ginebra

PHILIPPINES	Representative:	Ambassador Hector K. Villarroel Chargé d'Affaires a.i. Permanent Mission of the Philippines to the United Nations Office at Geneva
	Adviser:	Mrs. Victoria S. Bataclan First Secretary Permanent Mission of the Philippines to the United Nations Office at Geneva
JAMAICA	Representative:	Mrs. Beryl Nembhard, Director Planning Institute of Jamaica
	Adviser:	Mr. Ransford Smith Chargé d'Affaires a.i. Permanent Mission of Jamaica to the United Nations Office at Geneva
COLOMBIA	Representative:	Ambassador Sr. Rafael Rivas Posada Representante Permanente de Colombia ante la Oficina de las Naciones Unidas en Ginebra
	Adviser:	Sra. Ligia Galvis Consejera Misión Permanente de Colombia ante la Oficina de las Naciones Unidas en Ginebra
INDIA	Representative:	Mr. S. Gopalan Additional Secretary, Department of Education, Ministry of Human Resource Development
	Adviser:	Mr. Prabhu Dayal First Secretary Permanent Mission of India to the United Nations Office at Geneva
ARGENTINA	Representative:	Ambassador Dña. Zelmira Regazzoli Subsecretaria de Derechos Humanos Buenos Aires
	Advisers:	Ambassador Sr. Julio Strassera Representante Alterno para Derechos Humanos Misión Permanente de la Argentina ante la Oficina de las Naciones Unidas en Ginebra

Advisers:
(cont'd)

Sr. Hernán Patiño Mayer
Ministro Plenipotenciario
Misión Permanente de la Argentina
ante la Oficina de las
Naciones Unidas en Ginebra

Sr. César Mayoral
Consejero de Embajada
Misión Permanente de la Argentina
ante la Oficina de las
Naciones Unidas en Ginebra

Sr. Alberto d'Alotto
Segundo Secretario de Embajada
Misión Permanente de la Argentina
ante la Oficina de las
Naciones Unidas en Ginebra

Annex V

LETTER DATED 2 FEBRUARY 1990 ADDRESSED BY THE CHAIRMAN OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS TO THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

Excellency,

As you may know, the Committee on Economic, Social and Cultural Rights held its fourth session at the United Nations Office at Geneva from 15 January to 2 February 1990.

In its report, adopted on 2 February 1990, the Committee, inter alia, noted that the Economic and Social Council had decided in its resolution 1985/17 to undertake in 1990 an overall review of the composition, organization and administrative arrangements relating to the work of the Committee. For that reason, as well as because of a desire to receive more feedback from the Council, the Committee decided to recommend strongly that its report to the Council should, if possible, be presented in person by one of its members, who eventually could also participate in the Council deliberations on the above-mentioned review.

In accordance with the decision taken by the Committee, I would like, therefore, kindly to request you to consider the possibility of inviting the Rapporteur of the Committee to attend the meetings of the first regular session of the Council at which the review of the composition, organization and administrative arrangements of the Committee would be undertaken.

Accept, Excellency, the assurances of my highest consideration.

Ibrahim Ali BADAWI EL SHEIKH
Chairman of the Committee
on Economic, Social and
Cultural Rights

Annex VI

REVISED SCHEDULE FOR SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Introduction

1. At its second session, the Committee proposed to revise the previously existing arrangements with respect to reporting by States parties. Among the objectives sought to be achieved by this change were: to reduce the burden imposed on States parties with respect to reporting; to facilitate the task both of the reporting State and of the Committee by working on the basis of a global unified report; to be more consistent with reporting obligations under other international human rights instruments; to make the nature and periodicity of the reporting process more readily understood by all concerned and, in particular, to enhance the effectiveness of the overall monitoring system.

2. In its resolution 1988/4, the Economic and Social Council endorsed the recommendation of the Committee that States parties be requested to submit a single report within two years of the entry into force of the Covenant for the State party concerned and thereafter at five-year intervals. Accordingly, at its third session, the Committee discussed the temporary arrangements that will be required in order to ensure a smooth transition from the old to the new periodicity arrangements with respect to the reporting obligations of each State party to the Covenant.

3. The Committee agreed to request the Secretary-General, in consultation with the Chairman, to draw up a revised schedule for reporting by State parties in accordance with the new periodicity arrangements. It was agreed that in doing so, the following considerations would be taken into account: (a) all reports should be due on the same day of the relevant year in order to simplify the arrangements as far as possible; it was agreed that 30 June was an appropriate date which would allow adequate time for the reports to be processed by the Secretariat; (b) the transition to the new arrangements should, in principle, be completed as soon as possible while at the same time providing for appropriate flexibility; (c) account should be taken of the extent to which each State party has complied with its reporting obligations to date under the Covenant; (d) an effort should be made to stagger the years during which reports will be due so as to ensure a reasonably even flow of reports to the Committee.

4. As requested by the Committee at its third session, the Secretary-General, in consultation with the Chairman of the Committee, prepared a revised schedule for reporting by States parties in accordance with the new periodicity arrangements. The revised schedule was considered and approved by the Committee at its fourth session, held at Geneva from 15 January to 2 February 1990.

5. The revised schedule consists of two parts. Part A contains transitional arrangements and deals with the completion by States parties of the first or second cycles of reporting under the previous system, established by Economic and Social Council resolution 1988 (LX) of 11 May 1976, as modified by decision 1985/132 of 28 May 1985.

6. Part B contains a schedule for the submission by States parties of global reports on articles 1 to 15 of the Covenant in accordance with the new programme established by Economic and Social Council resolution 1988/4 of 24 May 1988.

Part A

COMPLETION BY STATES PARTIES OF THE FIRST OR SECOND CYCLES OF REPORTING UNDER THE PREVIOUS SYSTEM, ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX) OF 11 MAY 1976 AND DECISION 1985/132 OF 28 MAY 1985

I. Submission by States parties of initial reports

30 June 1990: 1. States parties

Italy (arts. 13-15)
Philippines (arts. 10-22)
Senegal (arts. 6-9)
Tunisia (arts. 13-15)

2. States parties a/

Afghanistan (arts. 10-12 and 13-15)
Cameroon (arts. 6-9 and 13-15)
Guyana (arts. 6-9 and 10-12)
Iran (Islamic Republic of) (arts. 6-9 and 10-12)
Libyan Arab Jamahiriya (arts. 6-9 and 10-12)
Peru (arts. 10-12 and 13-15)
United Republic of Tanzania (arts. 6-9 and 13-15)
Zambia (arts. 6-9 and 13-15)

30 June 1991: State party a/

Argentina (arts. 6-9 and 10-12)

II. Submission by States parties of second periodic reports

1 September 1989: States parties b/

Australia (arts. 13-15)
Bulgaria (arts. 13-15)
Chile (arts. 13-15)
Cyprus (arts. 13-15)
Denmark (arts. 13-15)
German Democratic Republic (arts. 13-15)
Germany, Federal Republic of (arts. 13-15)
Hungary (arts. 13-15)
Mongolia (arts. 13-15)
Romania (arts. 13-15)
Ukrainian SSR (arts. 13-15)
United Kingdom of Great Britain and Northern Ireland (arts. 13-15)

30 June 1990: States parties a/

Canada (arts. 10-12 and 13-15)
Rwanda (arts. 10-12 and 13-15)
Yugoslavia (arts. 10-12 and 13-15)
Iraq (arts. 6-9 and 13-15)

30 June 1992: States parties a/

Austria (arts. 6-9 and 13-15)
Ecuador (arts. 10-12 and 13-15)
Netherlands (arts. 6-9 and 13-15)

30 June 1993: State party a/

Jamaica (arts. 10-12 and 13-15)

III. Submission by States parties of both initial and second periodic reports

30 June 1990: State party a/

Panama (arts. 6-9 and 13-15)

IV. Submission of third periodic reports under the new system

30 June 1994: 22 States parties: Australia, Bulgaria, Byelorussian SSR, Chile, Colombia, Cyprus, Czechoslovakia, Denmark, Finland, German Democratic Republic, Germany, Federal Republic of, Hungary, Mongolia, Norway, Poland, Romania, Spain, Syrian Arab Republic, Sweden, Ukrainian SSR, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland

30 June 1995: 6 States parties: Canada, Rwanda, Yugoslavia, Iraq, Madagascar and Panama

30 June 1996: 5 States parties: Barbados, India, Jordan, Portugal and Venezuela

30 June 1997: 8 States parties: Austria, Democratic People's Republic of Korea, Ecuador, France, Japan, Mexico, Netherlands and Zaire

30 June 1998: 5 States parties: Democratic Yemen, Costa Rica, Jamaica, Luxembourg and Trinidad and Tobago

30 June 1999: 1 State party: Dominican Republic

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a/ States parties were requested to submit their respective reports in one consolidated document.

b/ The States parties listed below were requested, prior to the Committee's approval of the revised schedule, to complete the second cycle of reporting by 1 September 1989, the date set forth under the previous programme.

Part B

SUBMISSION BY STATES PARTIES OF GLOBAL REPORTS ON ARTICLES 1 TO 15 OF THE COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN ACCORDANCE WITH THE PROGRAMME ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988/4 OF 24 MAY 1988

I. Submission of initial reports under the new system

30 June 1990: 31 States parties: Belgium, Bolivia, Central African Republic, Congo, Egypt, El Salvador, Equatorial Guinea, Gabon, Gambia, Greece, Guatemala, Guinea, Honduras, Iceland, Kenya, Lebanon, Mali, Mauritius, Morocco, New Zealand, Niger, Saint Vincent and the Grenadines, San Marino, Solomon Islands, Sri Lanka, Sudan, Suriname, Togo, Uganda, Uruguay and Viet Nam

30 June 1991: 1 State party: Algeria

30 June 1992: 2 States parties: Ireland and Somalia

II. Submission of second periodic reports under the new system

30 June 1990: 1 State party: Madagascar

30 June 1991: 5 States parties: Barbados, India, Jordan, Portugal and Venezuela

30 June 1992: 5 States parties: Democratic People's Republic of Korea, France, Japan, Mexico and Zaire

30 June 1993: 4 States parties: Luxembourg, Democratic Yemen, Costa Rica and Trinidad and Tobago

30 June 1994: 1 State party: Dominican Republic

30 June 1995: 44 States parties: Afghanistan, Belgium, Bolivia, Cameroon, Central African Republic, Congo, Egypt, El Salvador, Equatorial Guinea, Gabon, Gambia, Greece, Guatemala, Guinea, Guyana, Honduras, Iceland, Iran (Islamic Republic of), Italy, Kenya, Lebanon, Libyan Arab Jamahiriya, Mali, Mauritius, Morocco, New Zealand, Nicaragua, Niger, Peru, Philippines, Saint Vincent and the Grenadines, San Marino, Senegal, Solomon Islands, Sri Lanka, Sudan, Suriname, Togo, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Viet Nam and Zambia

30 June 1996: 2 States parties: Algeria and Argentina

30 June 1997: 2 States parties: Ireland and Somalia

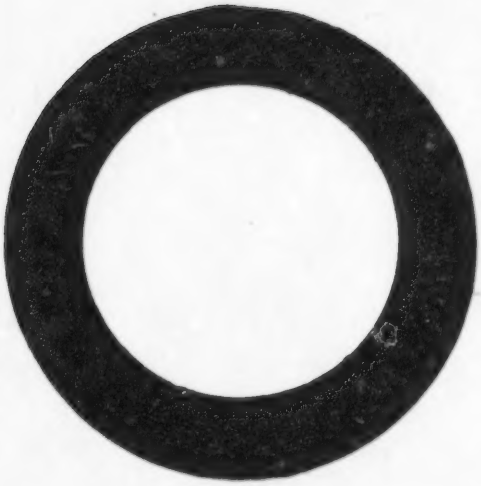
Annex VII

LIST OF DOCUMENTS OF THE COMMITTEE AT ITS FOURTH SESSION

E/1984/7/Add.30	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Jamaica
E/1986/3/Add.12	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by Economic and Social Council resolution 1988 (LX): Jamaica
E/1986/3/Add.13	Idem: Mexico
E/1986/3/Add.14	Idem: Ecuador
E/1986/4/Add.25	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Colombia
E/1986/4/Add.26	Idem: Cyprus
E/1988/5/Add.2	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Philippines
E/1988/5/Add.3	Idem: Jamaica
E/1988/5/Add.4	Idem: Argentina
E/1988/5/Add.5	Idem: India
E/1988/5/Add.6	Idem: Democratic People's Republic of Korea
E/1988/5/Add.7	Idem: Ecuador
E/1989/5/Add.1	Supplementary information submitted by States parties to the Covenant following consideration of their reports by the Committee: France
E/1989/5/Add.2	Idem: Netherlands

E/1989/22	Report of the Committee on Economic, Social and Cultural Rights on its third session
E/1990/5	Initial reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights in accordance with the programme established by Economic and Social Council resolution 1988/4: note by the Secretary-General
E/1990/5/Add.1	Initial report concerning rights covered by articles 1 to 15 of the Covenant: Luxembourg
E/1990/5/Add.2	Idem: Democratic Yemen
E/1990/5/Add.3	Idem: Costa Rica
E/1990/5/Add.4	Idem: Dominican Republic
E/1990/6	Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programme established by Economic and Social Council resolution 1988/4: note by the Secretary-General
E/1990/6/Add.1	Second periodic report concerning rights covered by articles 1 to 15 of the Covenant: Syrian Arab Republic
E/1990/7	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): note by the Secretary-General
E/1990/7/Add.1	Idem: Finland
E/1990/7/Add.2	Idem: Sweden
E/1990/7/Add.3	Idem: Spain
E/1990/7/Add.4	Idem: Colombia
E/1990/7/Add.5	Idem: Byelorussian SSR
E/1990/7/Add.6	Idem: Czechoslovakia
E/1990/7/Add.7	Idem: Norway

E/1990/8	Third report of the United Nations Educational, Scientific and Cultural Organization under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX)
E/1990/9	Twelfth report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX)
E/C.12/1990/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1990/2	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports in accordance with the programme established by the Economic and Social Council in resolutions 1988 (LX) and 1988/4: note by the Secretary-General
E/C.12/1990/L.1	Draft programme of work: note by the Secretary-General
E/C.12/1990/L.1/Rev.1	Tentative programme of work for the fourth session, as approved by the Committee at its first meeting
E/C.12/1990/L.2	Arrangements made to ensure the transition to the new periodicity with respect to the reporting obligations of States parties to the Covenant: note by the Secretary-General
E/C.12/1990/NGO/1	Written statement submitted by the World Association for the School as an Instrument of Peace, a non-governmental organization on the Roster
E/C.12/1990/NGO/2	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/C.12/1990/NGO/3	Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster
E/C.12/1990/SR.1-26 and SR.1-26/Corrigendum	Summary records of the fourth session (1st to 26th meetings) of the Committee on Economic, Social and Cultural Rights



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